

**From:** Springhetti, Blake  
**Sent:** Tuesday, June 13, 2017 2:32 PM  
**To:** House\_All  
**Subject:** EXTENDED: Co-Sponsor Request: Reduced Mandated Sick Days for Public Employees  
**Attachments:** Co-Sponsor Request - Reducing Mandated Sick Days for Public Employees.pdf

The deadline to co-sponsor has been extended to **Tuesday, June 20 at 5pm!**



**Representative Derek Merrin**  
47<sup>th</sup> District

**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Derek Merrin  
**DATE:** June 13, 2017  
**RE:** EXTENDED: Co-Sponsor Request: Reduced Mandated Sick Days for Public Employees

I will soon introduce legislation to align public employees' sick day allotment with the standard allotment for state public employees.

State employees receive 10 sick days per year, while many local government employees receive an excessive 15 sick days per year (3 weeks). This legislation makes 10 sick days per year the standard across the board - impacting county, municipal, civil service township, school district, and university employees. This will help create fairness between state and

local government employees. The bill contains a provision that restricts collective bargaining agreements from requiring local governments to provide more than the state mandated number of 10 sick days annually.

By forcing local governments/taxpayers to provide an excessive number of sick days, the state is driving-up local governments' costs. You will be hard pressed to find any private-sector business that provides 15 sick days annually. Also, government employees receive additional, generous amounts of personal days and vacation leave. The legislature created this excessive mandate and it is time for us to fix it. Please join with me to support a reasonable standard and provide relief to our local governments.

If you would like to co-sponsor this legislation or have any questions, please contact my Legislative Aide, Blake Springhetti, at [Blake.Springhetti@ohiohouse.gov](mailto:Blake.Springhetti@ohiohouse.gov) or at (614) 466-1731 by **Tuesday, June 20 at 5pm**.

Sincerely,  
Derek Merrin

**Ohio House of Representatives**  


**Representative Derek Merrin  
47<sup>th</sup> District**

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Sincerely,  
Derek Merrin

**From:** Gongwer News Service  
**Sent:** Monday, August 7, 2017 5:57 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Monday, August 7, 2017  
**Attachments:** Aug7House.htm; 170807dayplan.htm; Aug7.htm; Aug7Senate.htm

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**Supporters Hope Palliative Care Measure Gains Traction After Recess**

**Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released**

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## House Activity for Monday, August 7, 2017

### INTRODUCED

**HB 315** ■ **DAY DESIGNATION (Arndt, S.)** To designate October 6 as "S.M.A.R.T. Parent Day." En. 5.257

**HB 316** ■ **PICNIC AREA NAMING (Arndt, S., Stein, D.)** To designate a picnic area in Kelleys Island State Park as the "Henry T. Beatty Memorial Picnic Area." Am. 1546.30

**HB 317** ■ **TAX DEDUCTION (Young, R.)** To authorize, for six years, a personal income tax deduction for a physician based on the number of hours the physician provides uncompensated medical services through a hospital, free clinic, or nongovernmental medical organization. Am. 5747.01 and to enact section 5747.014

### HOUSE SPEAKER'S APPOINTMENTS

Finance: Remove Representative Faber

Finance Subcommittee on State Government and Agency Review: Remove Representative Faber.

Public Utilities: Remove Representative Faber; appoint Representative Stein

Aging and Long Term Care: Appoint Representative Brown.

Armed Services, Veterans Affairs, and Homeland Security: Appoint Representative Brown.

Civil Justice: Remove Representative Sykes; appoint Representative Brown.

State and Local Government: Appoint Representative Brown.

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Power Siting Board: Remove Representative Hagan; appoint Representative Carfagna

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New African Immigrants Commission: Kefa Otiso and Beatrice Miringu

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Ohio Public Works Commission: Dean Ringle

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Columbus Ohio 43215

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Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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## Daily Activity Planner for Tuesday, August 8

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**Board of Building Appeals, ODOT District Three Office, 906 Clark Ave., Ashland, 8:30 a.m.**

**Third Frontier Commission, Rev1 Ventures, 1275 Kinnear Rd., Columbus, 10 a.m.  
House Speaker's Task Force on Alzheimer's and Dementia, Netzley Room,  
Statehouse, Columbus, 1 p.m.**

### Event Planner

**National Conference of State Legislatures Legislative Summit, Boston**

**Sen. Bob Peterson (R-Sabina) and Sen. Troy Balderson (R-Zanesville) fundraiser,  
Mike and Samantha Hartley residence, 403 South Court Street, Circleville, 6 p.m.,  
(\$1,000 Chair | \$500 Sponsor | \$250 Host | \$100 Supporter | \$75 per Couple | \$50  
Individual to Peterson for Good Government and Troy Balderson for State  
Senator)**

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Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,  
Jon Reed, Staff Writers

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**Volume #86, Report #151 -- Monday, August 7, 2017**

**Collective Bargaining Consultant Contract Gets Controlling Board Approval**

Controlling Board members on Monday approved a new contract for a Columbus law firm to do consulting work on collective bargaining issues after lawmakers asked about the job and procurement process for the contract.

Without objection, the board approved the \$480,000 contract between the Department of Administrative Services and Baker Hostetler, LLP. The firm will provide labor relations and collective bargaining consulting and negotiation services.

Sen. Charleta B. Tavares (D-Columbus) asked if the state was developing the internal capacity to handle labor issues and contracts without having to pay outside help.

Jennifer Leymaster, chief financial officer for DAS, said negotiations for large contracts often require outside assistance.

"It is customary for us to seek outside consulting services when doing the negotiation for these major contracts, as I believe is customary for organizations of our size," she said.

Kristen Rankin, deputy director for the DAS Office of Collective Bargaining, said the work fluctuates year-to-year as different contracts come up for renewal.

She said the state has been working with Baker Hostetler since 2014 and the firm has a good understanding of the state's labor relations.

Rep. Hearcel Craig (D-Columbus) asked about the increase in the value of the contract this year, up from about \$300,000 last year.

Ms. Rankin said the state is entering negotiations with its largest union this year, meaning there will be more work ahead.

The board also approved several contracts from the treasurer's office after Sen. Tavares asked for the reasoning behind waiving competitive selection.

Deputy Treasurer Seth Metcalf said all of the items were continuations of ongoing projects. In one case, the office did receive another bid, but it was significantly higher than the bid by the existing contractor. That project involves custom-built software designed by the current contractor.

"We suspect that the additional bid was very high because the learning curve for a new provider would have been significant," he said.

The board approved a request for more than \$8.3 million over two years from DAS for a contract for postage funds. Rep. Andy Brenner (R-Powell) asked if other firms, such as Stamps.com, might be able to offer the state better rates.

Ms. Leymaster said firms like Stamps.com might not be able to handle the volume of mail the state sends out, but that DAS would look into it.

The board accepted a transfer of \$2.2 million from the Emergency Management Agency into its emergency fund, repaying the final payment of the money used to reimburse states that sent law enforcement to help at the Republican National Convention in Cleveland last year. The EMA said it has received reimbursement from Cleveland for all of the 18 states that assisted.

A request for \$605,961 from the Department of Developmental Disabilities to improve the fire alarm system at Cambridge Developmental Center was deferred.

Other items approved by the board included: (Agenda)

- \$534,000 - Central State University - for a library structural repair and modernization project.
- \$3.2 million - Clark State Community College - for renovation of Rhodes Hall.
- \$2.4 million - Columbus State Community College - for the Culinary and Hospitality School building project.
- \$226,275 - Department of Health - to purchase cystic fibrosis test kits.
- \$374,400 - Department of Mental Health and Addiction Services - for a contract for forensic psychiatric services at Summit Behavioral Healthcare in Cincinnati.
- \$1.2 million - Department of Developmental Disabilities - to contract with various providers for early intervention hearing services for children.
- \$1.1 million - Department of Natural Resources - for a contract amendment to provide construction administration and material testing at Buckeye Lake Dam.
- \$5.3 million - ODNR - to contract for improvements at a variety of state parks.
- \$749,510 - Department of Rehabilitation and Correction - to replace the roof at the Corrections Training Academy in Orient.
- \$53.6 million - Department of Transportation - for contracts with 52 consulting firms for a variety of services.

- \$212,154 - Bureau of Workers' Compensation - to renew a contract for IT services analyzing business processes.

### **Seitz Plans To Push For Passage Of Death Penalty Exemption Bill This Fall**

The sponsor of a bill to exempt the seriously mentally ill from the death penalty expects the measure to move in the fall.

The legislation (HB 812) would exempt from the death penalty those diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder or delusional disorder at the time a capital offense was committed.



Bill Seitz

"I'm raring and ready to go as soon as we get back to try and move this forward in the House," sponsoring Rep. Bill Seitz (R-Cincinnati) said in an interview.

The bill has had three hearings in the House Criminal Justice Committee. Rep. Seitz said he was ready to move the measure prior to lawmakers leaving town for summer vacations, but he was told to hold off.

"We were really ready to go at the end of session back a month ago, but they wanted to keep controversial things off the radar screen as we focused all of our attention on the conference committee process and budget overrides and things like that," he said.

Chairman Sen. Kevin Bacon (R-Minerva Park) expressed uncertainty about the fate of the bill in the Senate Judiciary Committee. (See Gongwer Ohio Report, August 4, 2017)

But Rep. Seitz said he is confident about the bill's prospects in the upper chamber.

"All I can tell Senator Bacon is that when I had the bill the last time in that chamber, there were 31 of 33 senators ready to vote for it. Maybe he hasn't started counting noses yet," he said, adding that the two opponents of the last version of the bill are now serving in the House.

The bill has run into stiff opposition from the Ohio Prosecuting Attorneys Association. Executive Director John Murphy has said that current law already provides those suffering from mental illness with the opportunity to be deemed incompetent to stand trial or mount a not guilty by reason of insanity defense. (See Gongwer Ohio Report, June 6, 2017)

Despite the opposition, Rep. Seitz does not believe the OPAA will be able to sink the bill.

"It's got an awful lot of support and the only people that have come out against it are the prosecutors and their reasoning doesn't satisfy me," he said. "They were opposed to it the last time on the same basis."

Given the state's recent resumption of the death penalty, Rep. Seitz believes the bill will gain even more traction. (See Gongwer Ohio Report, July 26, 2017)

"I think with all the recent furor over the resumption of executions in Ohio people ought to at least recognize this for progress in terms of narrowing the range of cases in which the death penalty may be imposed," he said.

The legislation is based off of one of several recommendations made by the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty.

"The bottom line is this was a central recommendation of the death penalty task force," Rep. Seitz said.

### **Supporters Hope Palliative Care Measure Gains Traction After Recess**

Legislation first offered last year and introduced again in June intends to increase awareness and access to palliative care for patients with serious health conditions.

The bill (HB 286), sponsored by Rep. Sarah LaTourette (R-Chagrin Falls), would establish a state council to oversee palliative care and create programs to raise awareness and utilization of the approach.



Rep. LaTourette

It's a personal issue for the sponsor. Her father, former U.S. Rep. Steve LaTourette, received palliative care before his death last year from pancreatic cancer. (See Gongwer Ohio Report, August 7, 2017)

"I saw the dramatic difference that access to early palliative care had on his life and our lives," Rep. LaTourette said in an interview. "I want everybody in the state to be aware that palliative care is not just hospice care."

Rep. LaTourette first introduced the measure (HB603, 131<sup>st</sup> General Assembly) toward the end of the last General Assembly. It received a hearing before the House Health and Aging Committee. (See Gongwer Ohio Report, October 26, 2016)

The new version of the bill retains almost all of that proposal's components but does not include provisions that would levy fees or fines on hospitals that don't comply, she said. That has eased some concerns from industry groups, she said.

The move toward expanding the reach of palliative care is a priority for advocacy groups such as the American Cancer Society Cancer Action Network, who included the practice on their annual report card for state cancer policies. (See Gongwer Ohio Report, August 4, 2017)

Jeff Stephens, ACS CAN's state government relations director for Ohio, said the group is also working on similar legislation at the federal level.

"It's a form of treatment that's been proven to increase health outcomes at a reduced overall health care cost. It works," he said.

The bill would create an interdisciplinary advisory council at the Department of Health and create a set of criteria to identify patients who are best suited to the care approach.

"We do a pretty OK job of offering it in Ohio but we need to build the pipeline of professionals who are coming into to this treatment and we need to educate patients about what palliative care is," he said.

Mr. Stephens said it's important for providers to consider how different palliative care can look in different parts of the state. While it typically includes the treating doctor, a pharmacist, social workers, spiritual leaders and others who surround the patient with support, that team could look different in rural areas than it would in cities with access to wide varieties of professionals.

"We're all very hopeful there's going to be movement on that this fall," he said.

The proposal hasn't yet been assigned to a committee, but Rep. LaTourette said it will probably go through the House Aging and Long-Term Care Committee.

"My hope is that shortly after we come back for the fall that we start moving quickly," she said.

### **Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released**

A long-delayed federal plan to prevent Asian carp from entering the Great Lakes was released Monday after months of prodding from congressional delegates in Ohio and other states.

The report from the U.S. Army Corps of Engineers spells out \$275 million in proposals to upgrade the Brandon Road Lock and Dam in Illinois in order to shield the lakes from the invasive species.

Ideas in the report include electric barriers, flushing locks, water jets, and complex noise generation. If approved, the project has an estimated completion date of 2025, according to the report. Critics have argued the plan could impede commercial traffic in the region.

The 488-page report was originally slated for release in February, but was delayed by the Trump Administration. Democrats have contended that the decision to delay the report was political in nature. (See Gongwer Ohio Report, May 1, 2017)

"It is encouraging to see that the U.S. Army Corps' recommendations include serious measures to deal with this invasive species," U.S. Rep. Marcy Kaptur (D-Toledo) said in a statement. "Now that we have real information on costs we can move on and receive input from stakeholders, whose livelihoods depend on us keeping the Asian carp out of the Lakes."

Both she and U.S. Sen. Sherrod Brown (D-Cleveland) earlier this year introduced standalone legislation that would have forced the Trump Administration to make the study public. (See Gongwer Ohio Report, June 23, 2017)

"We are now one step closer to taking action to protect our Great Lakes from Asian carp," Sen. Brown said, "and I look forward to working with Sen. Portman and my other Great Lakes colleagues to turn this report into concrete actions that will benefit our Lakes."

The discovery of an Asian carp in June just nine miles from Lake Michigan added new urgency to the matter. It also prompted state officials to enter the fray, with Attorney General Mike DeWine writing late last month to the Department of the Army and saying the delay "in the face of this immediate threat is unacceptable." (See Gongwer Ohio Report, June 30, 2017)

There will now be a 45-day public review period for the draft report, ending Sept. 21. Comments will be accepted online, by letter and at public meetings yet to be scheduled.

U.S. Sen. Rob Portman (R-Terrace Park) said the lakes and the local economies they support must be protected.

"The Great Lakes support a \$7 billion fishing industry and Lake Erie contributes more than \$10 billion to Ohio's tourism industry, both of which would be jeopardized if Asian Carp were allowed into the Great Lakes," he said. "It is important that the Corps remain on schedule to finalize the plan by January of 2019, and I look forward to working with stakeholders and the Corps to do just that."

Environmental groups praised the release, with the Alliance for the Great Lakes, the Sierra Club, the Natural Resources Defense Council and several other groups issuing a joint statement.

"We look forward to reviewing the findings in detail and to continuing the conversation on this critical issue with elected officials and concerned citizens during the public comment period," the groups said. "The U.S. Army Corps of Engineers must listen carefully to public input on the study and then move quickly from study to implementation of additional protection measures at the Brandon Road Lock and Dam, a logical choke point in the system."

The Ohio Conservation Federation and its counterparts from Indiana, Michigan, Minnesota and Wisconsin issued a similar joint statement.

"After months of unnecessary delay, we are excited that the potential options for improving defenses against Asian carp at the Brandon Road Lock and Dam will see the light of day," they said. "There is still much work yet to be done in this process. We look forward to working towards securing stronger protections to keep Asian carp out of our Great Lakes."

### **Environmental Groups Question Rover Excuses For Fuel In Wetland Spills**

The company behind the Rover Pipeline project told federal regulators it believes it's possible traces of diesel fuel found in wetland spills earlier this year were planted by "malicious" opponents.

But environmental groups say the company is attempting to divert attention from Rover's actions and that increased security around the spill sites - by both the company and state regulators who were investigating the spills - renders the idea of sabotage "farfetched."

It's the latest back and forth between Rover Pipeline LLC, its parent Energy Transfer Partners, and advocates urging the Federal Energy Regulatory Commission to halt construction of the 700-mile pipeline that has been at the center of controversy for months.

In its most recent filing (PDF) before FERC, the company for the first time agreed with the Ohio Environmental Protection Agency's assessment that diesel fuel was present in millions of gallons of drilling mud spilled into Ohio wetlands at several sites earlier this year. (See Gongwer Ohio Report, June 2, 2017)

But Rover stopped short of accepting the blame, saying it "has no evidence that the diesel was the result of a spill or failed containment" experienced during its horizontal drilling and construction activity.

"This data alone, however, does not demonstrate that diesel fluid (or other petroleum hydrocarbons) entered the slurry as part of the HDD process or that there was a widespread impact," the company wrote.

"Rover theorizes that these diesel concentrations could have been caused by an inadvertent and unreported spill or leak from equipment operating during the clean-

up...or it could have been the deliberate or malicious act of individuals opposed to the project," the company continued. "Given the extensive inspection and oversight at this and other sites along the project, it is difficult to imagine that this occurred from an unreported spill or leak."

Cheryl Johncox of the Sierra Club's Beyond Dirty Fuels Campaign rejected that claim. She said in an interview that OEPA testing revealed fuel traces at several different sites.

"It's very unlikely somebody trying to sabotage the project would know where those sampling locations were," she said. "The other thing of note is this occurred on private property...(and) they were very actively patrolling that spill site and keeping people off. It's very unlikely somebody was able to access that area in order to sabotage the project."

Heather Taylor-Miesle, executive director of the Ohio Environmental Council, said the company's claims are the latest demonstration of the company's "lack of respect for Ohioans and our environment."

"Claiming they were sabotaged or framed without any evidence whatsoever is merely another attempt for Rover to deflect blame and avoid owning up to the consequences of their actions," she said. "We are taught in kindergarten to clean up after ourselves, and Rover should remember this important childhood lesson."

Regardless of how the fuel entered the slurry, the company said it is "deeply troubled by any of these potential scenarios and has taken steps to address these possible sources."

Those steps include reiterating to employees and contractors that all construction must adhere to the FERC certificate and other spill prevention and response procedures. Additionally, it will remind workers that secondary containment must be used for equipment working in or near wetlands and bodies of water and prompt notification is required for spills of hazardous materials.

In the event an outside agent introduced fuel to the situation, the company said it has increased security to oversee the Tuscarawas site and has "increased scrutiny of all personnel entering and leaving all HDD sites."

The filing comes one week after Kelcy Warren, CEO of Energy Transfer Partners, which is Rover's parent company, told federal lawmakers he was "baffled" by criticism of the company and allegations of rule violations from regulators and congressional Democrats following the spills.

#### **Tavares Bill Aimed At Gender Pay Gap; Schiavoni Targets Charter Overpayments; Renacci, Pillich Announce Endorsements...**

Equal pay and charter school funding are the subjects of hot-button measures recently introduced by two Democratic lawmakers.

Sen. Charleta B. Tavares (D-Columbus) is behind legislation (SB 174) she dubbed the "Fair and Acceptable Income Required Act."

"It is shameful that in this day and age women in Ohio make only 78 cents for every dollar made by a man. Without question, equal work deserves equal pay," she said in a release announcing the bill. "At a time when women are increasingly responsible for the economic security of their families, it is absolutely critical to ensure that they earn a wage commensurate with their work - and on par with a man's."

The bill would require employers to substantiate pay differences, prohibit retaliation against workers who discuss salaries with colleagues and bar wage discrimination based on sexual orientation.

"While the Lilly Ledbetter Fair Pay Act of 2009 improved some laws that govern pay discrimination, more must be done to close the wage gap and increase the economic security of women," Sen. Tavares said. "Fair pay would help close the wage gap and increase women's economic security."

**Charter Overpayments:** A gubernatorial candidate meanwhile is touting a measure to require all money recovered from overpayments to charter schools to be returned to district from which it was deducted. It comes on the heels of the state's plans to claw back funding from the Electronic Classroom of Tomorrow over inflated enrollment data.

Sen. Joe Schiavoni (D-Boardman) said his legislation is expected to be introduced this week.

"Ohio schools are struggling to manage after several years of cuts to their funding. It's only right that the state should return all money taken from these schools in error," he said. "This bill is simple: it creates a uniform rule that all money overpaid to charter schools is sent back to the affected school districts."

**Endorsements Announced:** Other gubernatorial candidates continue to rack up endorsements.

U.S. Rep. Jim Renacci (R-Alliance) announced the backing of Julie Prince in his bid to replace Gov. John Kasich. She directed Ohio operations and grassroots for Ted Cruz's 2016 presidential campaign.

"In the 2018 gubernatorial race, there is one clear choice for conservatives across Ohio, and that choice is Jim Renacci. Time and again Jim has demonstrated his unyielding commitment to the conservative reforms we need, but which entrenched Columbus insiders have failed to deliver," she said. "Jim is not afraid to take on the establishment or the career politicians who continue to pay lip service to conservatism while perpetuating the status quo."

Added Rep. Renacci: "In her position as the Grassroots and Operations Director for Ted Cruz's presidential campaign in Ohio, Julie played an instrumental role in advancing the

causes of conservatism and liberty - not just for our state, but for our nation as a whole. I am proud to serve as a voice for conservatives across Ohio in this critically important election, and I am committed to delivering the conservative agenda and reforms we so badly need as our state's next governor."

Meanwhile, former Rep. Connie Pillich announced that she has the support of the Cincinnati Building Trades in her Democratic primary contest.

"Connie Pillich is the proven fighter we need as our next governor. Born in the shadow of a steel mill, Connie knows what we face every day," Cincinnati Building Trades Executive Secretary Fred Lampe said. "She has an unrivaled record of standing up for working families, higher wages, and working to create good jobs. Connie has proven herself as the Democratic frontrunner in the race for governor and the Cincinnati Building Trades is proud to have her back."

Added Ms. Pillich: "I'm proud to be endorsed by the Cincinnati Building Trades because I'll never stop fighting for working families, good jobs, and better wages for workers. With the wind at our backs, our people-powered campaign is building more momentum everyday as we work to take Columbus back from the special interests."

**Husted Appointment:** Secretary of State Jon Husted announced the appointment of Marcella R. Bogenrife to the Madison County Board of Elections.

She was recommended for the post by the Madison County Republican Party Executive Committee.

### Casino, Racino Revenue Up Big In July

The state's four casinos showed significant gains in revenue last month compared to June, and the racinos also saw a big uptick in what they took home.

The casinos brought in \$69.9 million in July, up from \$64.1 million the prior month and from \$66.1 million in July 2016, according to revenue reports released Monday by the Casino Control Commission.

Video lottery terminal revenue at the seven racinos totaled \$84.5 million for the first month of the fiscal year, up nearly \$6.5 million from where it was in June, the Ohio Lottery Commission reported.

Hollywood Columbus brought in the most money among casinos at \$18.9 million. That was up from \$17.7 million in June and just a bit above the \$18.6 million it brought in the previous July. The casino was highly dependent on slot machine revenue, with that accounting for \$13.5 million.

Hollywood Toledo also saw a big boost, rising to \$17.6 million from \$16.1 million the prior month. It was up more than \$1 million from \$16.5 million in July 2016. Like its sister

casino in Columbus, the Toledo location leaned heavily on slot machines, to the tune of \$14.8 million.

JACK Cleveland raked in \$16.9 million, up from \$15 million in June and \$15.5 million the previous July. The casino was the most balanced between slots and table games, with slots accounting for \$9.1 million and table games \$7.7 million.

JACK Cincinnati brought in \$16.7 million, up from \$15.4 million both in June and in July 2016. Slot machines accounted for \$10.7 million of the casino's take.

**Racinos:** Among the state's racinos, Hard Rock Rocksino-Northfield Park saw the largest gain from June to July, up \$2.7 million to \$22.3 million in revenue from VLT machines.

Scioto Downs was the second-biggest gainer, up \$1.25 million to \$14.25 million in July.

Hollywood Gaming Dayton Raceway was up \$643,130 to \$8.3 million, while JACK Thistledown was up \$605,814 to \$10.1 million.

Belterra Park's revenue was up \$529,680 over June's at \$7.4 million. Revenue at Miami Valley Gaming was up \$428,657 to \$12.4 million, and Hollywood Gaming Mahoning Valley Race Course gained \$300,155 to \$9.8 million.

### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Supplemental Agency Calendar**

#### **Wednesday, August 9**

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**State Emergency Response Commission, 2855 West Dublin-Granville Rd., Columbus, 1:15 p.m.**

#### **Supplemental Event Planner**

#### **Monday, August 21**

**OHROC Lake Erie Boat Cruise and Reception with Speaker Cliff Rosenberger (R-Clarksville), Rep. Steve Arndt (R-Port Clinton), and Rep. Bill Reineke (R-Fremont), Catawba Island Club, 4235 E. Beach Club Road, Port Clinton, 5:30 p.m., (5:30pm Arrive at Catawba Island Club; 6:00pm Depart on Burger Yacht "Gemini"; 8:00pm Reception. Sponsor: \$5,000; Host: \$2,500; Patron: \$1,000; Guest: \$500 to OHROC)**

#### **Sunday, August 27**

**Rep. Theresa Gavarone (R-Bowling Green) shooting fundraiser, Nagle Trucking, 4520 Moline-Martin Road, Walbridge, 1:30 p.m., (Expert: \$250; Sharpshooter: \$100 to Citizens for Gavarone)**  
**Wednesday, September 13**

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**Rep. Mark Romanchuk (R-Mansfield) fundraiser, Little Palace, 240 S. 4th Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Romanchuk for State Rep)**  
**Friday, September 15**

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**Rep. Bob Cupp (R-Lima) golf outing fundraiser, Tamarac Golf Course, 500 N. Stevick Road, Lima, 9 a.m., (9:00am Registration; 10:00am Shotgun Start. Event Sponsor: \$1,000; Tee Sponsor: \$500; Foursome: \$400; Green Sponsor: \$350; Lunch Sponsor: \$250; Individual Golfer: \$125 to Cupp for State Representative Committee)**  
**Wednesday, October 11**

---

**Speaker Cliff Rosenberger (R-Clarksville) fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to Committee to Elect Cliff Rosenberger)**  
**Wednesday, November 1**

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**Rep. Craig Riedel (R-Defiance) and Rep. Kristina Roegner (R-Hudson) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Citizens to Elect Craig Riedel and/or Kristina Daley Roegner for Ohio)**  
**Wednesday, November 29**

---

**Ohio House Republican Organizing Committee fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to OHROC)**

17 S. High St., Suite 630  
Columbus Ohio 43215  
Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the # after a bill number to create a saved search and email alert for that bill.

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## Senate Activity for Monday, August 7, 2017

### INTRODUCED

**SB 175** ■ **COMMUNITY SCHOOLS** (Schiavoni, J.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. Am. 3314.52

**SB 176** ■ **MUNICIPAL TAXES** (Jordan, K.) To prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident. Am. 709.023, 718.01, 718.02, 718.03, 718.04, 718.05, and 718.16 and to repeal sections 718.011 and 718.50

### SENATE PRESIDENT'S APPOINTMENTS

Southern Ohio Agricultural and Community Development Foundation: Appoint Senator Joe Uecker and Senator Sean O'Brien

17 S. High St., Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

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**From:** gongwerreports@gongwer-oh.com on behalf of Gongwer News Service  
[gongwerreports@gongwer-oh.com]  
**Sent:** Thursday, December 21, 2017 12:00 PM  
**To:** Standard\_Subscriber\_misc\_html@gongwer-oh.com  
**Subject:** House & Senate Floor Reports

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## HOUSE ACTIVITY REPORT

### INTRODUCED

**HJR 7**

**UNION MEMBERSHIP (Becker, J., Riedel, C.)**

Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

**HJR 8****UNION MEMBERSHIP (Becker, J., Riedel, C.)**

Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

**HJR 9****PREVAILING WAGE (Becker, J., Riedel, C.)**

Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

**HJR 10****PROJECT LABOR AGREEMENTS (Becker, J., Riedel, C.)**

Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

**HJR 11****COLLECTIVE BARGAINING (Becker, J., Riedel, C.)**

Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

**HJR 12****UNION DUES (Becker, J., Riedel, C.)**

Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization

from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.

### **HB 454**

#### **CEMETERY LOTS (Patterson, J., Arndt, S.)**

To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner.

= A

## **SENATE ACTIVITY REPORT**

### **INTRODUCED**

#### **SB 246**

#### **= A STUDENT REMOVAL (Lehner, P., Manning, G.)**

To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation.

Please send all correspondence to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com). This mailbox is not regularly monitored.

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**From:** Ohio House Republican Communications  
**Sent:** Tuesday, January 9, 2018 11:14 AM  
**Subject:** GOP Week in Review 12/31/17 - 1/7/18



## OHIO HOUSE OF REPRESENTATIVES

*Majority Communications Department*

# GOP Week in Review

12/31/17 – 1/7/18

### **WKSU: Ohio's Year in Review 2017: Changes to education policy**

"Looking back, basically a time of transition and a time of starting to listen to what's going on in the field and starting to implement common-sense reforms as opposed to just mandates that people can't necessarily comply with," Brenner said.

### **Sandusky Register: Busy year for Shores & Islands**

In April we were proud to provide support to the governor's office, city of Sandusky, Cedar Point, state Sen. Randy Gardner, state Rep. Steve Arndt, TourismOhio and others in hosting the governor's State of the State address at the Sandusky State Theatre.

### **The Advertiser-Tribune: SRPC, elections board ready to go**

Reineke presented an Ohio flag and a U.S. flag that were flown over the state capitol building Dec. 19 as a gift to the elections panel. "I'm very happy to be here," he said. "We've all got to keep working together to make great things happen."

### **WOSU: Ohio lawmaker pushes for harsher penalties for parolees who fail drug tests**

Republican state Rep. Niraj Antani, the bill's sponsor, wants to create more access to treatment facilities and says jails should not be used as detox centers. "But until that time, jail is simply the best place for someone to detox and to be safely placed if they are (using) heroin and fentanyl - until we can figure out something else for them," Antani said.

### **Mansfield News Journal: Community honors law enforcement with 'Spread the Light'**

The evening ended with state Rep. Mark Romanchuk, R-Ontario, counting down to officers switching on the lights and sirens in more than a dozen police vehicles to officially "spread the light" and start the week.

**Associated Press: Proposed Ohio law would prevent forced nurse overtime**

State Rep. Robert Sprague, a Findlay Republican, said he's concerned that exhausted nurses working long hours can lead to preventable medical errors. "It's a recipe for problems," Sprague told The Dayton Daily News.

**Findlay Courier: Sprague bill would ban forced nurse OT**

A bill introduced in the Ohio House by state Rep. Robert Sprague, R-Findlay, would prohibit hospitals from requiring a registered nurse or licensed practical nurse to work overtime as a condition of employment.

**Wilmington News Journal: Guest column from Speaker Cliff Rosenberger: Buckeye Pathway guides policy**

This member-driven document outlines our priorities and serves as a roadmap to three objectives: improve Ohio's economic environment, enhance opportunities for all Ohioans, and strengthen families and communities. Halfway through this term, we have approved more than 30 bills that align with these principles.

**Toledo Blade: Republican lawmakers push to make Ohio "right to work"**

The resolutions are sponsored by state Rep. John Becker (R., Cincinnati) and state Rep. Craig Riedel (R., Defiance). ... "It's not so much that I'm opposed to unions," Mr. Riedel said. "I believe strongly that employees ought not to be required to pay fair-share fees if they choose not to join that union. If that individual chooses not to be a part of that union, they're on their own. They would not get any representation whatsoever by that collective-bargaining agreement."

**Your News Now: HB 336 plans to help Ohioans with suspended licenses**

"This would help reduce the number of suspensions the bureau has to keep track of, it would also provide an incentive for a person to get insurance, get their license reinstated, and be able, if you're not able now to find a job because of lack of transportation, to be able to do that," said Rep. Bob Cupp, 4th District Rep for the State of Ohio.

**From:** Paretti, Dominic  
**Sent:** Monday, February 5, 2018 5:01 PM  
**To:** House\_All  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



## MEMORANDUM

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

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We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a

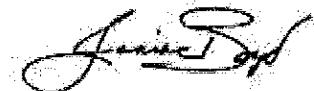
claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd  
State Representative, Ohio House District 09**



**Kristin Boggs  
State Representative, Ohio House District 18**

**From:** Paretti, Dominic  
**Sent:** Tuesday, February 20, 2018 10:15 AM  
**To:** House\_All  
**Subject:** FW: Request for Co-Sponsorship – Paid Family and Medical Leave

\*\*REMINDER-DEADLINE TO CO SPONSOR IS MARCH 9, 2018 at 4PM

Dominic Paretti

Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

---

**From:** Paretti, Dominic  
**Sent:** Monday, February 05, 2018 5:01 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



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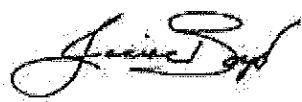
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**Janine Boyd**  
State Representative, Ohio House District 09



**Kristin Boggs**  
State Representative, Ohio House District 18

**From:** Paretti, Dominic  
**Sent:** Tuesday, February 27, 2018 5:05 PM  
**To:** House\_All  
**Subject:** FW: Request for Co-Sponsorship – Paid Family and Medical Leave

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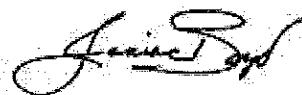
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**Janine Boyd  
State Representative, Ohio House District 09**

*Kristin Boggs*

**Kristin Boggs  
State Representative, Ohio House District 18**

**From:** Fedor, Teresa  
**Sent:** Tuesday, February 27, 2018 9:34 PM  
**To:** Paretti, Dominic  
**CC:** House\_All  
**Subject:** Re: Request for Co-Sponsorship – Paid Family and Medical Leave

Yes

Sent from my iPhone

On Feb 27, 2018, at 5:05 PM, Paretti, Dominic <[Dominic.Paretti@ohiohouse.gov](mailto:Dominic.Paretti@ohiohouse.gov)> wrote:

**\*\*REMINDER-DEADLINE TO CO SPONSOR IS  
MARCH 9, 2018 at 4PM**

Dominic Paretti  
Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

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**To:** House\_All <[House\\_All@ohiohouse.gov](mailto:House_All@ohiohouse.gov)>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave

<image001.png>  
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<image002.jpg>

**Janine Boyd**

**State Representative, Ohio House District 09**

<image003.png>

**Kristin Boggs**

**State Representative, Ohio House District 18**

**From:** Finlay, Serena  
**Sent:** Monday, March 5, 2018 11:11 AM  
**To:** Paretti, Dominic  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave

**REMINDER-DEADLINE TO CO SPONSOR IS THIS FRIDAY AT 4PM**



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If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd**  
State Representative, Ohio House District 09



**Kristin Boggs**  
State Representative, Ohio House District 18

**From:** Finlay, Serena  
**Sent:** Thursday, March 8, 2018 1:57 PM  
**To:** Paretti, Dominic  
**Subject:** Deadline Tomorrow: Request for Co-Sponsorship – Paid Family and Medical Leave

**REMINDER-DEADLINE TO CO SPONSOR IS TOMORROW AT 4PM**



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

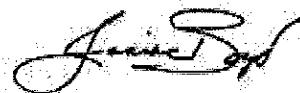
The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

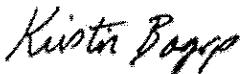
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



Janine Boyd  
State Representative, Ohio House District 09



Kristin Boggs  
State Representative, Ohio House District 18

**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 11:39 AM  
**To:** Schafer, Abby  
**Subject:** FW: Story on Pension System Return Assumptions  
**Attachments:** 10-13-16 ALEC Study -Unaccountable-and-Unaffordable.pdf; Discount Rate Issue Brief October 2016.pdf

**Bethany Rhodes**  
Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
614-228-3574 Direct  
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[Bethany.Rhodes@orsc.org](mailto:Bethany.Rhodes@orsc.org)  
[www.orsc.org](http://www.orsc.org)

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**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 11:38 AM  
**To:** statesenator29@gmail.com; Zielinski, Justin  
**Subject:** FW: Story on Pension System Return Assumptions

Would you be interested in fielding this one? If you like, we can give him numbers and such, but I have a policy that we are staff and MEMBERS get quoted... Let me know your thoughts, please.

In the event you WOULD like to handle this, the issue brief we did 2 weeks ago covers this issue (see attached). Also, I've attached the ALEC "study."

**Bethany Rhodes**

Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
614-228-3574 Direct  
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**From:** Burns, Adrian [mailto:[aburns@nncogannett.com](mailto:aburns@nncogannett.com)]  
**Sent:** Tuesday, October 25, 2016 11:02 AM  
**To:** Bethany Rhodes  
**Subject:** Story on Pension System Return Assumptions

Ms. Rhodes, I'm working on a story today looking at a recent American Legislative Exchange Council report that pushes for a much lower expected return rate for pensions. Their "risk-free" rate would obviously push unfunded liability figures up to very high levels for the pension systems, and is indeed the basis of their alarming report.

Do you have a bit of time today or tomorrow to chat about this issue? I have been covering the pension systems for quite a awhile (with Columbus Business First for several years, then away from the news business for a while now back at it).

Thanks!

Adrian Burns  
Enterprise Reporter

Phone (office & cell): 740-973-4499

[aburns@gannett.com](mailto:aburns@gannett.com)

Follow me on Twitter: @burnsadrian



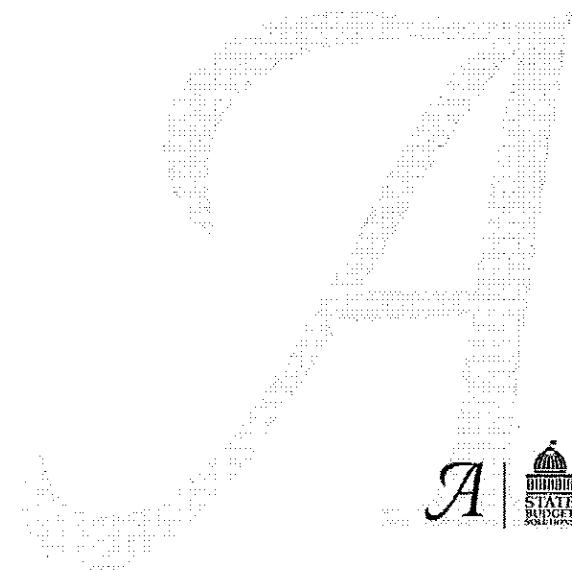
MARVEL OF THE USA TODAY NETWORK



October | 2016

# Unaccountable and Unaffordable 2016

Unfunded Public Pension Liabilities Near \$5.6 Trillion





## **Unaccountable and Unaffordable 2016**

### **Unfunded Public Pension Liabilities Near \$5.6 Trillion**

#### **About the American Legislative Exchange Council**

The Unaccountable and Unaffordable 2016 report was published by the American Legislative Exchange Council (ALEC) as part of its mission to discuss, develop and disseminate model public policies that expand free markets, promote economic growth, limit the size of government and preserve individual liberty. ALEC is the nation's largest non-partisan, voluntary membership organization of state legislators, with more than 2,000 members across the nation. ALEC is governed by a Board of Directors comprised of state legislators. ALEC is classified by the Internal Revenue Service as a 501(c)(3) nonprofit, public policy and educational organization. Individuals, philanthropic foundations, businesses and associations are eligible to support the work of ALEC through tax-deductible gifts.

#### **About the ALEC Center for State Fiscal Reform**

The ALEC Center for State Fiscal Reform strives to educate policymakers, the press and the general public on the principles of sound fiscal policy and the evidence that supports those principles. This is done by personalized research, policy briefings in the states and by releasing nonpartisan policy publications for distribution, such as *Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index*. State Budget Solutions is a project of the ALEC Center for State Fiscal Reform.

#### **Authors:**

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#### **Acknowledgements and Disclaimers**

The authors wish to thank Lisa B. Nelson, Bill Meierling, Nathan Brinkman, Kati Siconolfi, Joe Horvath, Elliot Young, Christine Smith, Christine Phipps, Ashley Varner, Anthony Iafrate, James Kennedy, Tony Bergida and the professional staff at ALEC for their valuable assistance with this project.

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### **Unfunded Public Pension Liabilities Near \$5.6 Trillion**

State public pension plans are now underfunded by nearly \$5.6 trillion – an increase of almost \$900 billion from State Budget Solutions' (SBS) last comprehensive report in 2014.<sup>1</sup> When state pension funds are examined through the lens of a more realistic valuation, pension funding gaps are revealed to be much larger than reported in official state financial documents. This report totals state-administered plans' assets and liabilities and finds nationwide total unfunded liabilities to be \$5.59 trillion. The nationwide funding level is a mere 35 percent, which is one percentage point lower than two years ago.<sup>2</sup> Combined across all states, the price tag for unfunded pension liabilities is now \$17,427 for every man, woman and child in the United States.

The only way to solve this growing problem is for states to enact meaningful pension reform. While some might feel that America's public pension crisis only threatens current workers and retirees, it is in fact a problem that affects everyone. Taxpayers are on the hook for the legal obligation to cover the promised benefits of traditional, defined-benefit pension plans. Additionally, every dollar that is spent filling the gap in public pensions is a dollar taken away from core government services. This forces legislators to make the difficult decision of leaving their citizens with fewer services or enacting economically damaging tax increases.

#### **A Nationwide Pension Problem**

This report considers three important metrics to gauge the severity of the pension problem across the 50 states: unfunded pension liability per capita, the funded ratio and total unfunded pension liability. Unfunded pension liability per capita reveals the personal share of liability for every resident in each state. The funded ratio represents how well a given state's pension plans are funding their pension promises. Finally, the total unfunded pension liability reveals the fiscal strain on state budgets in raw dollar terms.

Unfunded pension liabilities per capita, which are given by state in the Appendix, are arguably the most alarming facet of pension funding. Since public pensions are the responsibility of all taxpayers, it is only fair to consider this metric when evaluating the states' relative pension health. When unfunded pension liabilities are viewed as shared debt placed on each individual, Alaska, where each resident is on the hook for a staggering \$42,950, tops the list. Ohio and Illinois follow for the highest per person unfunded pension liabilities.

Another useful gauge of financial health is the funded ratio, or the total value of a plan's assets weighed against its accrued liabilities. This calculation is important since total unfunded liabilities alone do not tell the entire story of a state's pension problems. California has the nation's largest unfunded liability in absolute dollar terms, but its funded ratio of 35.6 percent is the 21st best. Connecticut has the nation's worst funded ratio at 22.8 percent, meaning no state is failing to keep its promise to taxpayers and pensioners as badly as Connecticut. The state's failure to address its pension liabilities is a significant contributor to Connecticut's ongoing budget problems. While Wisconsin has the best funded ratio in the country, the state's defined-benefit pension fund is only 63.4 percent funded when more prudent accounting assumptions are applied. Even in the best-case scenario, all states have significant funding gaps. The Appendix shows the funded ratios for every state.

While the most accurate indicators of state pension health relate to unfunded liabilities per capita and funded ratios, total unfunded pension liabilities show just how big a burden each state has accrued. The most populous states with the largest government workforces will also tend to have the largest unfunded liabilities, such as California (more than \$956 billion). Smaller states, such as Vermont and North Dakota, which employ fewer workers, face smaller burdens. The Appendix shows the states with the largest and smallest total unfunded pension liabilities.

#### **Real Pension Liabilities are Obscured by Poor Accounting Methods**

The Governmental Accounting Standards Board (GASB) sets accounting rules for states and municipalities. In 2012, GASB made two significant changes to how the financial health of pensions is measured. These changes were made, in part, as a reaction to the massive hit pension plans took during and after the "Great Recession" of 2008, and were implemented as a way to increase transparency, consistency and comparability of pension information. Although these GASB reforms are a step in the right direction, states often employ accounting "tricks," which paint a rosier picture than is actually the case.

One accounting trick is the use of high discount rates, the assumed rate of future investment returns on fund assets, when calculating pension liabilities. This report analyzed more than 280 state-administered pension plans, and found the simple, unweighted average discount rate to be 7.37 percent. While state funding is significant, on average, more than 70 percent of the total costs of pension benefits are paid for by the plan's investment earnings.<sup>3</sup>

According to public finance scholars Robert Novy-Marx and Joshua D. Rauh, "the states use discount rates that are unreasonably high."<sup>4</sup> As former Social Security Administration deputy commissioner Andrew Biggs and economist Kent Smetters have explained, "No matter how well a pension plan manages its investments, it cannot generate 8 percent returns with certainty."<sup>5</sup> Faced with unrealistically high expectations, state pension fund managers often embrace overly aggressive investment strategies, exposing taxpayers to additional risk.

In addition to expecting unrealistic investment returns, many state governments fail to make their annually required contributions (ARC). Pew Charitable Trusts, a nonpartisan think tank, defines the ARC as "the minimum standard set by government accounting rules."<sup>6</sup> Unfortunately, several states have reduced their annual contributions, failing to make full ARC payments, or they have skipped payments altogether. According to a Pew Charitable Trusts report, only 21 states fully made their annual required contributions in 2013.<sup>7</sup>

#### **Methodology: The State Budget Solutions Difference**

This report includes data from more than 280 state-administered public pension plans, holding more than \$3 trillion in assets. Figures were drawn from Comprehensive Annual Financial Reports (CAFRs) and actuarial valuations.\* In each case, figures were from the most up-to-date valuation available at the time of research.

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\* This report uses the actuarial value of assets (AVA) and actuarial accrued liability (AAL) for each plan to calculate unfunded liabilities. However, a few plans provide only fair market valuations. In these cases, the fair market value of assets and liabilities was used. Fair market values generally do not vary dramatically from actuarial values. Therefore, the use of fair market values in these cases has very little effect on a state's unfunded liabilities and rankings.

Unlike the GASB-influenced CAFRs and actuarial valuations, State Budget Solutions uses a more reasonable valuation to determine the unfunded liabilities of public pension plans. Given that many plans' assumed rates of return are too high and invite risk, State Budget Solutions uses a more prudent rate of return, rather than the loftiest goals of money managers.<sup>8</sup> This study uses a rate of return based on the equivalent of a hypothetical 15-year U.S. Treasury bond yield.<sup>9</sup> Since this is not presently offered as an investment instrument, the number is derived from an average of the 10 and 20 year bond yields. This year's number is averaged from March 2015 to March 2016.<sup>10</sup> The resulting rate is 2.344 percent, which is considered a "risk-free" rate. As the Society of Actuaries' Blue Ribbon Panel recommends, "the rate of return assumption should be based primarily on the current risk-free rate plus explicit risk premia or on other similar forward-looking techniques."<sup>11</sup>

The reason for using the U.S. Treasury bond yields is to show how a more realistic valuation differs from overly optimistic assumptions regarding unfunded liabilities. Using a more reasonable valuation does not allow state officials to simply hope for the best and shortchange their pension funds. The public sector's current assumed rates of return distort how much money is needed to fund the plans today to guarantee and eventually pay out pension benefits in the future. Ultimately, this will result in broken promises to government employees and financial hardship for taxpayers.

The formula for calculating a more realistic present value for a liability requires first finding the future value of the liability. That formula, in which "i" represents a plan's assumed interest rate, is  $FV = AAL \times (1+i)^{15}$ . The second step is to discount the future value to arrive at the present value of the more reasonably valued liability. That formula is  $PV = FV / (1+i)^{15}$ , in which "i" represents the risk-free interest rate.

#### **Conclusion: State Pension Plans Face Growing Challenges**

As this report reveals, all 50 states face alarming pension problems. State Budget Solutions is not alone in calling attention to the flawed accounting practices of state agencies. A recent study released by the Stanford Institute for Economic Policy Research, *Pension Debt: United States Public Employee Pension Systems*, also suggests that states use unrealistically high rates of return to discount their pension liabilities. The study found that pension debt totals \$4.8 trillion, a finding similar to this report.<sup>12</sup>

Given that pension payments to retired state employees are guaranteed, taxpayers are ultimately responsible for making up any funding deficit. Accordingly, assumed return rates should be realistic, to ensure taxpayers are not left holding the bag for an underfunded pension system. Assumed rates of return should be thoughtfully determined based on the type of liabilities – in this case, state employees' defined retirement benefits. These guaranteed promises should be matched with guaranteed rates of return.

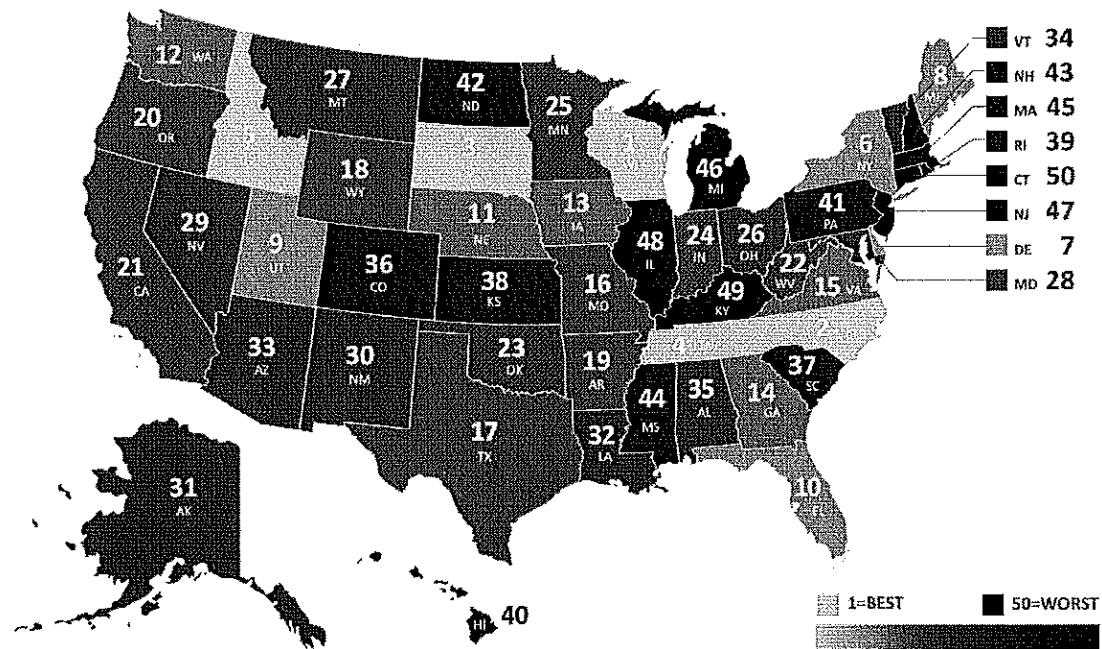
Prudent valuation provides the best insight into the real unfunded liabilities states face. It is important for states to adopt this model because in order to keep their promises, states must first understand their true liabilities. By failing to measure liabilities accurately, any attempt at a solution will be hindered.

If states are to keep their pension promises while protecting taxpayers, reform is vital. As former Utah Senator Dan Liljenquist, author of the American Legislative Exchange Council study, *Keeping the Promise: State Solutions for Government Pension Reform*, has rightly noted, pension reform is not a partisan issue, but a math problem.<sup>13</sup> Without real solutions in place, the financial security of retirees, workers and taxpayers alike will remain at risk.

### Endnotes

- <sup>1</sup> Esposito-Luppino, Joe. "Promises Made, Promises Broken 2014: Unfunded Liabilities Hit \$4.7 Trillion." State Budget Solutions. November 12, 2014. <http://www.statebudgetsolutions.org/publications/detail/promises-made-promises-broken-2014-unfunded-liabilities-hit-47-trillion>
- <sup>2</sup> State Budget Solutions' 2014 report stated the national average funding status for all plans was 36 percent.
- <sup>3</sup> Mixon, Peter. "Estimating future costs at public pension plans: Setting the discount rate." *Pension & Investments*. April 29, 2015. <http://www.pionline.com/article/20150429/ONLINE/150429853/estimating-future-costs-at-public-pension-plans-setting-the-discount-rate>
- <sup>4</sup> Novy-Marx, Robert and Rauh, Joshua. "The Liabilities and Risks of State-Sponsored Pension Plans." *Journal of Economic Perspectives*, Volume 23, Number 4, Fall 2009. [http://rnm.simon.rochester.edu/research/JEP\\_Fall2009.pdf](http://rnm.simon.rochester.edu/research/JEP_Fall2009.pdf)
- <sup>5</sup> Biggs, Andrew and Smetters, Kent. "Understanding the argument for market valuation of public pension liabilities." American Enterprise Institute. May 29, 2013. <http://www.aei.org/publication/understanding-the-argument-for-market-valuation-of-public-pension-liabilities/>
- <sup>6</sup> The PEW Charitable Trusts. "The State Pensions Funding Gap: Challenges Persist." July 14, 2015. [http://www.pewtrusts.org/-/media/assets/2015/07/pewstates\\_statepensiondebtbrief\\_final.pdf?la=en](http://www.pewtrusts.org/-/media/assets/2015/07/pewstates_statepensiondebtbrief_final.pdf?la=en)
- <sup>7</sup> *Ibid.*
- <sup>8</sup> Biggs, Andrew and Smetters, Kent. "Understanding the argument for market valuation of public pension liabilities." American Enterprise Institute. May 29, 2013. <http://www.aei.org/publication/understanding-the-argument-for-market-valuation-of-public-pension-liabilities/>
- <sup>9</sup> Norcross, Eileen. "Getting an Accurate Picture of State Pension Liabilities." The Mercatus Center at George Mason University. December 13, 2010. <http://mercatus.org/sites/default/files/Getting-an-Accurate-Picture-of-State-Pension-Liabilities.Norcross.12.13.10.pdf>
- <sup>10</sup> "Resource Center, Daily Treasury Yield Curve Rates." U.S. Department of the Treasury. Accessed March 7, 2016. <https://www.treasury.gov/resource-center/data-chart-center/interest-rates/Pages/TextView.aspx?data=yieldYear&year=2016>
- <sup>11</sup> "Report of the Blue Ribbon Panel on Public Pension Plan Funding." Society of Actuaries. 2014. <https://www.soa.org/blueribbonpanel/>
- <sup>12</sup> Nation, Joe. "US Pension Tracker." Stanford Institute for Economic Policy Research. 2016. [http://us.pensiontracker.org/about\\_pension\\_tracker.php](http://us.pensiontracker.org/about_pension_tracker.php)
- <sup>13</sup> Liljengren, Dan. *Keeping the Promise: State Solutions for Government Pension Reform*. American Legislative Exchange Council. 2013. <https://www.alec.org/publication/keeping-the-promise-state-solutions-for-government-pension-reform/>

## 2016 FUNDED RATIO OF PUBLIC PENSION PLANS



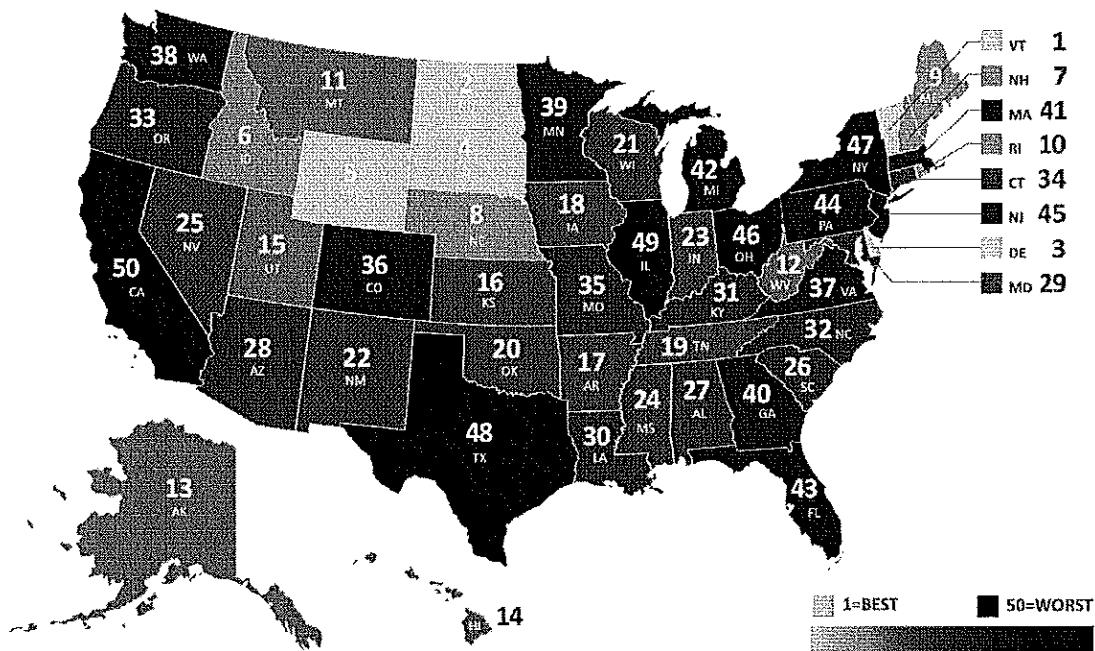
RANK	STATE	FUNDED RATIO
1	Wisconsin	63.4%
2	North Carolina	47.9%
3	South Dakota	47.8%
4	Tennessee	47.3%
5	Idaho	46.5%
6	New York	44.9%
7	Delaware	44.7%
8	Maine	42.1%
9	Utah	41.7%
10	Florida	40.5%
11	Nebraska	40.3%
12	Washington	39.9%
13	Iowa	39.8%
14	Georgia	38.8%
15	Virginia	37.4%
16	Missouri	36.9%
17	Texas	36.9%
18	Wyoming	36.6%
19	Arkansas	36.4%
20	Oregon	36.3%
21	California	35.6%
22	West Virginia	35.5%
23	Oklahoma	34.9%
24	Indiana	34.8%
25	Minnesota	34.5%

RANK	STATE	FUNDED RATIO
26	Ohio	34.3%
27	Montana	33.6%
28	Maryland	33.1%
29	Nevada	32.7%
30	New Mexico	32.1%
31	Alaska	31.4%
32	Louisiana	31.3%
33	Arizona	31.2%
34	Vermont	30.4%
35	Alabama	30.3%
36	Colorado	30.3%
37	South Carolina	30.1%
38	Kansas	29.9%
39	Rhode Island	29.6%
40	Hawaii	29.2%
41	Pennsylvania	28.9%
42	North Dakota	28.9%
43	New Hampshire	28.0%
44	Mississippi	27.9%
45	Massachusetts	27.7%
46	Michigan	27.5%
47	New Jersey	26.9%
48	Illinois	23.8%
49	Kentucky	23.4%
50	Connecticut	22.8%

Data is based on State Budget Solutions' calculations. To read the full report and methodology, see [ALEC.org/PensionDebt2016](http://ALEC.org/PensionDebt2016).



## 2016 TOTAL UNFUNDED LIABILITIES OF PUBLIC PENSION PLANS



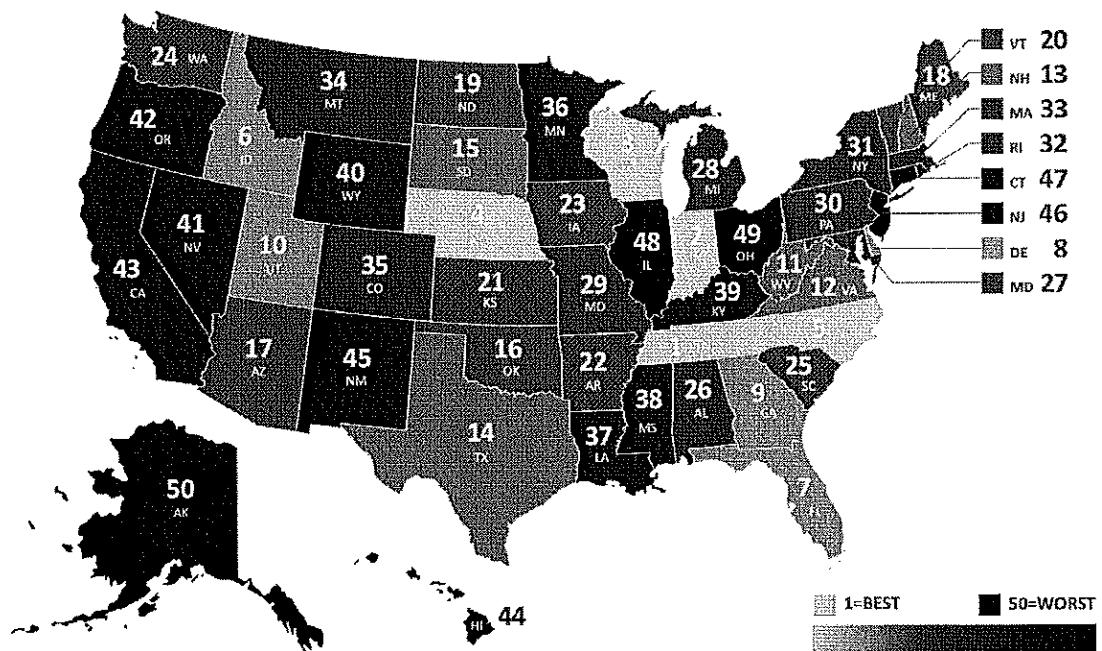
RANK	STATE	UNFUNDED LIABILITIES
1	Vermont	\$8,707,979,583
2	North Dakota	\$10,213,597,800
3	Delaware	\$11,262,866,330
4	South Dakota	\$11,289,322,172
5	Wyoming	\$13,642,969,825
6	Idaho	\$16,572,789,476
7	New Hampshire	\$17,320,649,176
8	Nebraska	\$17,367,830,965
9	Maine	\$17,676,038,583
10	Rhode Island	\$18,636,960,291
11	Montana	\$19,496,700,17
12	West Virginia	\$23,640,020,456
13	Alaska	\$31,715,653,280
14	Hawaii	\$35,136,593,006
15	Utah	\$37,987,328,775
16	Kansas	\$40,737,986,358
17	Arkansas	\$43,976,220,971
18	Iowa	\$46,424,775,242
19	Tennessee	\$47,826,122,962
20	Oklahoma	\$51,903,613,095
21	Wisconsin	\$52,842,437,646
22	New Mexico	\$54,455,339,568
23	Indiana	\$56,748,217,042
24	Mississippi	\$64,300,123,348
25	Nevada	\$69,697,815,811

RANK	STATE	UNFUNDED LIABILITIES
26	South Carolina	\$74,095,092,870
27	Alabama	\$74,957,966,779
28	Arizona	\$90,710,340,087
29	Maryland	\$93,393,409,896
30	Louisiana	\$94,320,807,435
31	Kentucky	\$95,946,947,928
32	North Carolina	\$96,402,637,555
33	Oregon	\$97,781,712,858
34	Connecticut	\$99,299,024,840
35	Missouri	\$99,369,429,995
36	Colorado	\$106,382,900,927
37	Virginia	\$107,646,550,922
38	Washington	\$107,740,838,715
39	Minnesota	\$110,474,025,601
40	Georgia	\$122,645,214,077
41	Massachusetts	\$126,677,286,283
42	Michigan	\$156,941,092,013
43	Florida	\$210,153,896,482
44	Pennsylvania	\$211,586,194,586
45	New Jersey	\$235,489,469,324
46	Ohio	\$331,420,701,160
47	New York	\$347,542,971,698
48	Texas	\$360,396,676,526
49	Illinois	\$362,646,966,724
50	California	\$956,081,787,553

Data is based on State Budget Solutions' calculations. To read the full report and methodology, see [ALEC.org/PensionDebt2016](http://ALEC.org/PensionDebt2016).



## 2016 UNFUNDED LIABILITIES PER CAPITA OF PUBLIC PENSION PLANS



Data is based on State Budget Solutions' calculations. To read the full report and methodology, see [ALEC.org/PensionDebt2016](http://ALEC.org/PensionDebt2016).



# Ohio Retirement Study Council

# ISSUE BRIEF

Issue 1, October 2016

## Measuring Pension Liabilities

*Recent studies<sup>1</sup> and newspaper articles<sup>2</sup> have reported different liability figures for Ohio's pension funds than those reported in the funds' CAFRs or by ORSC staff. Why is there a difference?*

### Discount Rate

When reporting unfunded future benefit liabilities, pension funds measure those liabilities using a "discount rate" that is based on assumed investment returns of fund assets. The idea is that the present value of those future benefit obligations is less in today's dollars due to anticipated investment returns that will be made prior to those obligations coming due. The variance in reported liability amounts happens because of differences and disagreements on the appropriate discount rate.

For example, say I have an obligation due in one year for \$1.08. Assuming I can earn 8% in one year, the amount I need saved today to pay that expense in one year is \$1.00. My discount rate is 8%. But if my discount rate were only 2%, I would need almost \$1.06 today to pay the same obligation in one year. The higher your discount rate the less money (less liability) you need in the present to pay for some future obligation. The lower your discount rate, the more money you need in the present to pay for the same obligation. When we consider the power of compound interest, even small variations in a discount rate can generate very different liability figures. The chart below demonstrates the various liabilities today for a payment in 15 years modified by discount rates.

Liability Today	Discount Rate	Payment in 15 Years
\$555	4%	
\$481	5%	
\$417	6%	\$1000
\$362	7%	
\$315	8%	

This is where pension liability amounts diverge and why the amounts differ so dramatically. The Ohio systems have discount rates based on assumed rates of investment return ranging from 7.5%-8.25%. Based on these discount rates, the combined unfunded liabilities of the systems is roughly \$56 billion as of the most recent reporting period (2015). But, there are some that believe the systems should use a "no risk" discount rate pegged in some way to treasury securities. If you were to take the cur-

rent 30-year treasury rate of roughly 2.5% and require the systems to use it as a discount rate, the systems would have much greater liabilities. Using this type of analysis would, according to a recent Mercatus Center study, result in unfunded liabilities of \$262 billion for 2016.<sup>3</sup>

Mathematically, both can be accurate. ORSC staff uses the assumed rate of return discount rate as this rate provides more pertinent information related to the cost of the benefit and the plan for funding those benefits. The following sections discuss why this is the case.

### **The Argument for Assumed Rate of Return: What will this actually cost me?**

The *assumed rate of return* method discounts future liabilities based on expected investment returns. As mentioned earlier, for Ohio this ranges from 7.5%-8.25% which results in a substantial reduction in

*"The assumed rate of return method discounts future liabilities based on expected investment returns."*

liabilities. However, if appropriately set, the assumed rate of return model seeks to reflect the closest *actual cost* in today's dollars of future pension benefits. The vast majority of liabilities are paid through investment income (up to 70%) rather than contributions from employers and employees. Therefore, it is highly likely that investment returns will constitute the majority of assets used to pay future benefit obligations. To not appropriately include this actual reduction in the cost of future benefits would be asking for more funds from today's employees and employers than are actually needed to pay that benefit.

The key in the above paragraph is "if appropriately set." An unrealistic assumed rate of return would artificially and temporarily reduce the cost of future benefits and would require increased contributions, or decreased benefits, in the future, and it would not have properly answered the question of "What will this cost me?" One way to mediate this problem is by frequently reviewing economic forecasts and past returns to create an appropriate rate. Ohio's systems do this through a statutory requirement to review all assumptions, including investment return assumptions, on a 5-year basis.<sup>4</sup> Additionally, each retirement system conducts an independent actuarial valuation attesting to the funding status of the system annually, as required by law.

### **The Argument for "No-risk" Rates: What is the market value of this benefit?**

The *market value of liabilities* (MVL) approach uses rates that are much closer to risk free securities. This approach is not interested in the funding of benefits but is instead concerned with a theoretical market price of the plan's obligations which is itself a function of the riskiness of non-payment. Conceptually, this is a more difficult method to express than the assumed rate of return method but is grounded in finance and economics.

*"The market value of liabilities (MVL) approach uses rates that are much closer to risk free securities."*

Pension benefits aren't traded on the open market, so how do we give them a market price? A fundamental aspect of finance is that the value of future cash flows must be valued at the riskiness of the payments. The premise of the MVL approach is that pension benefits are "bond-like" in that they are promises to make specific payments at a future date. Because benefits are almost sure to be paid, whatever the open market pays for a risk free security, such as treasury bonds, should be used in valuing the present day value of the benefit. That is, the discount rate should match the current rates for risk free securities on the open market.<sup>5</sup>

According to MVL proponents, liabilities of a plan are *completely independent of asset allocation and market returns*. The MVL approach is less concerned with *funding* but instead is focused on the market value of benefits *today* irrespective of theoretical market returns. Valuing a plan's liabilities based on hypothetical future investment returns is completely illogical from the MVL point of view—taking investment risk does not raise or lower today's liabilities.<sup>6</sup> To MVL proponents, pension funds are mispricing their benefits to outside parties; the market would price pension benefits much differently than those benefits are reported by pension funds. The asymmetrical pricing between what the market would price pension benefits and how pension funds price them is illogical from a finance point of view.

*The MVL method could, therefore, be used by a potential creditor of the fund to gain a market-consistent measurement of obligations.*

Some MVL proponents admit that, though grounded in rules of modern finance and economics, this method is a more theoretical valuing of liability based on "what ifs."<sup>7</sup> "What if" the pension fund terminated? What is the settlement value on termination? "What if" all participants went to the market and asked it to replicate their accrued pension benefits by purchasing fixed-income securities that would provide the same stream of income? Nevertheless, they suggest that they are pricing the liabilities as they would price *any other liability* that was on the open market.

### **Very Different Questions**

The spirited debate between these positions was so great that the United States Government Accountability Office stepped in to issue their own report based on various expert opinions.<sup>8</sup> That report didn't endorse either position but simply noted that each method was addressing a different question. "What will this cost me today?" and "What is the market value of this future benefit?" are not the same question. One is a question of cost while the other might be considered an expression of lender risk.

If you want to know how much a benefit in the future will cost you today, the assumed rate of return will provide the best estimate and give you the best guidance on necessary steps to realize that cost estimate. On the other hand, if you want a measurement of liabilities that is consistent with market prices, the MVL is superior. A pension fund and its oversight body would be more interested in understanding required costs for budgeting purposes, while a potential lender to the pension fund sponsor would be more interested in the consistent market measurement of those liabilities.

While the MVL approach can provide supplementary information, such as evaluating potential risk (i.e., liabilities if the plans do not meet their assumed rate of return), estimating a market value of future cash flows is not at all the same as estimating the future costs of paying for them. A retirement plan isn't terminating. It's not settling its account on the open market. Pension benefits aren't a bank loan

and they aren't a bond. An outside creditor may find value in a discount rate that is consistent with other lending measurements, but those measurements have almost no importance to whomever is funding the plan. Pension plans invest funds to pay benefits; ignoring this is to ignore the entire point of a pension plan: *to provide a cost-effective means of delivering retirement benefits over and above what employees would receive in the market if they invested in no risk securities.*

### **Practical Consequences of Each Method**

There are potential problems with each approach. Pension funds may appear far more well-funded using the assumed rate of return method, encouraging either contribution rate holidays or enhanced benefits. This actually happened in Ohio. Before the market downturn after September 11, 2001, Ohio's systems were close to being 100% funded. As a result, an increase in the COLA from CPI to a flat 3% was supported.<sup>9</sup> But 100% does not mean the fund could pay all future benefits today. 100% means 100%

*"100% means 100% funded in today's dollars, if all assumptions are met."*

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Another consequence of the assumed rate of return method is an almost perverse incentive to take on risk. This is the exact opposite approach you want when your goal is to guarantee an eventual benefit payment. A higher assumed rate of return reduces present day liabilities, and therefore, present

day costs. This reduction in present day costs encouraged pension funds across the country in the 2000s to increase their assumed rate of returns and also the funding risk of not making those returns.<sup>10</sup> But this risk is not shared equally across generations. Should the systems not make their return, they will effectively have shifted costs from the current generation to future generations. Even worse, if this increased risk results in some tail-end negative result (i.e., the 2008 financial crisis), it would partially defund the system of assets. The assumed rate of return can, therefore, encourage risk while at the same time masking that risk.

But the MVL approach likewise has problems. Primary among them is budgeting. The MVL is not focused on how you fund a plan and, therefore, provides no assistance in determining an accurate contribution to a plan. If the systems did in fact purchase a risk free security, such as a 30-year treasury bond, it would be logical to use some blended 30-year return on those bonds in determining the discount rate and necessary present day costs to employees and employers.

But since the systems do not do so, using that rate to determine present day costs would not provide an accurate cost figure. Indeed, a modest change in treasury rates could dramatically alter the MVL method liability figure without any real relationship to the funding strategies of the pension funds. This would result in extreme year-by-year budgeting swings in contribution rates from employees and employers.

There is also a very practical problem for the MVL approach that is unique to Ohio. The MVL assumption, that the payments are virtually guaranteed, is simply incorrect in the case of Ohio's systems. The evidence for this claim is quite simple. In 2011, billions of dollars of liability for the systems disappeared through plan design changes in S.B. 340, 341, 342, 343, and 345. Until pension benefits are granted, they can change in Ohio. For Ohio, then, future liabilities are not "fixed." Were

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Ohio to use the MVL method, the market would have to determine a rate greater than a risk free rate. It would be difficult to find a comparable product on the open market. What is a comparable security that has guaranteed payments except that those payments will change as necessary?

### **ORSC Staff Perspective**

Measurement of liabilities is an issue of fraught debate.<sup>11</sup> The Actuarial Standards Board has not indicated a preference for either method, instead noting that different parties may have different measurement purposes.<sup>12</sup>

ORSC staff's purpose is to provide practical, useful, and accurate information to the ORSC and general public. For these reasons, staff uses the assumed rate of return when reporting liability on our annual summary sheets and when providing information to outside parties. The ORSC staff perspective is that the assumed rate of return method provides the best estimation of eventual costs today that are necessary to fund a benefit in the future and, therefore, provides the best budgeting of necessary contributions. We believe this information, whether current contributions will cover plan liabilities over time, provides the best actionable information to determine if contribution rates or liabilities (plan benefits) need to be altered. We find this to be more useful information than a theoretical settlement value of the funds. This approach is consistent with other funds nationwide, as no funds use MVL for funding calculations and very few report liabilities using MVL.

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This is not to say that the MVL approach does not provide value. As discussed above, the MVL can provide additional information, particularly regarding investment risks. A consistent and effective method of evaluating risk is currently lacking but would be beneficial. That said, it is important to note that the systems are pre-funded (unlike Social Security). As an added protection, the systems are required to submit a plan if they are unable to amortize unfunded liabilities over a 30-year period. Given the ORSC's objective, to ensure that contribution rates match plan obligations for those active members who will retire in the future, ORSC staff finds the assumed rate of return method to be more useful than the MVL approach.

<sup>1</sup> Mercatus Center, George Mason University, "Ranking the States by Fiscal Condition, 2016 Edition" (June 2016), available online at [http://mercatus.org/sites/default/files/Norcross-Fiscal-Rankings-2-v3\\_1.pdf](http://mercatus.org/sites/default/files/Norcross-Fiscal-Rankings-2-v3_1.pdf)

<sup>2</sup> [http://www.portclintonnewsherald.com/story/opinion/2016/08/23/column-oper-hedge-funds-grewzero-billion-years/89209448/](http://www.portclintonnewsherald.com/story/opinion/2016/08/23/column-oper-hedge-funds-grew-zero-billion-years/89209448/)

<sup>3</sup> Mercatus Center, George Mason University, "Ranking the States by Fiscal Condition, 2016 Edition" (June 2016), available online at [http://mercatus.org/sites/default/files/Norcross-Fiscal-Rankings-2-v3\\_1.pdf](http://mercatus.org/sites/default/files/Norcross-Fiscal-Rankings-2-v3_1.pdf)

<sup>4</sup> R.C. 145.22, 742.14, 3307.51, 3309.21, and 5505.12.

<sup>5</sup> A much more detailed finance perspective of the MVL approach is available through a draft paper coauthored by the American Association of Actuaries and Society of Actuaries. The Joint AAA/SOA Pension Finance Task Force, "Financial Economics Principles Applied to Public Pension Plans (Draft paper, 2016), 11. (Author's note: Joint Task

Force was disbanded in August 2016).

<sup>6</sup> Donald J. Boyd and Peter J. Kiernan, "The Blinken Report: Strengthening the Security of Public Sector Defined Benefit Plans" (The Nelson A. Rockefeller Institute of Government, 2014), 3. Available online at [http://www.rockinst.org/pdf/government\\_finance/2014-01-Blinken\\_Report\\_One.pdf](http://www.rockinst.org/pdf/government_finance/2014-01-Blinken_Report_One.pdf)

<sup>7</sup> Paul Angelo, "Understanding the Valuation of Public Pension Liabilities: Expected Cost vs Market Price (American Enterprise Institute, 2013). Available online at: [https://www.aei.org/wp-content/uploads/2014/09-understanding-the-valuation-of-public-pension-liabilities-expected-cost-versus-market-price\\_144422774379.pdf](https://www.aei.org/wp-content/uploads/2014/09-understanding-the-valuation-of-public-pension-liabilities-expected-cost-versus-market-price_144422774379.pdf)

<sup>8</sup> GAO, Pension Plan Valuation: Views on Using Multiple Measures to Offer a More Complete Picture (September 2014). Available online at <http://www.gao.gov/assets/670/666287.pdf>

<sup>9</sup> H.B. 157 of the 124<sup>th</sup> General Assembly.

<sup>10</sup> GAO, "State and Local Government Pension Plans: Governance Practices and Long-term Investment Strategies Have Evolved Gradually as Plans Take On Increased Investment Risk" (August 24, 2010). Available online at <http://www.gao.gov/assets/310/308867.pdf>

<sup>11</sup> Burr, Barry, "Actuarial Leaders Disband Task Force, Object to Paper on Public Plan Liabilities" (Pension & Investments, August 3, 2016), available online at <http://www.pionline.com/article/20160803/ONLINE/160809964/actuarial-leaders-disband-task-force-object-to-paper-on-public-plan-liabilities>

National Conference on Public Employee Retirement Systems Code of Conduct. Available online at <http://www.ncpers.org/codeofconduct> (Author's Note: ORSC withdrew its membership from NCPERS subsequent to its advocacy related to a trip to Hawaii in 2013). The NCPERS list of organizations they deem as undermining public pensions and who they refuse to work with. Is a who's who of entities that support the MVL approach (available online at [http://www.ncpers.org/files/Schedule%20A\\_2015-07.pdf](http://www.ncpers.org/files/Schedule%20A_2015-07.pdf)).

<sup>12</sup> Actuarial Standards Board, "Actuarial Standards of Practice No. 27" (Revised 2013), 10. Available online at [http://www.actuarialstandardsboard.org/wp-content/uploads/2014/02/asop027\\_172.pdf](http://www.actuarialstandardsboard.org/wp-content/uploads/2014/02/asop027_172.pdf)  
The ASB is considering *including* a solvency liability (i.e., MVL) in its standards.

Jeffery A. Bernard  
Senior Research Associate  
614-228-5644  
[jbernard@orsc.org](mailto:jbernard@orsc.org)

**From:** Schafer, Abby  
**Sent:** Tuesday, October 25, 2016 12:50 PM  
**To:** Bethany Rhodes  
**Subject:** RE: Story on Pension System Return Assumptions

Bethany,

I will pass this along to Representative Schuring.

Best,

Abby

Abby Schafer  
Legislative Fellow  
Office of Representative Kirk Schuring  
Ohio House of Representatives, District 48  
77 South High Street  
Columbus, OH 43215  
614-752-2438

---

**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 11:39 AM  
**To:** Schafer, Abby <Abby.Schafer@ohiohouse.gov>  
**Subject:** FW: Story on Pension System Return Assumptions

**Bethany Rhodes**  
Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
614-228-3574 Direct  
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**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 11:38 AM  
**To:** [statesenator29@gmail.com](mailto:statesenator29@gmail.com); Zielinski, Justin  
**Subject:** FW: Story on Pension System Return Assumptions

Would you be interested in fielding this one? If you like, we can give him numbers and such, but I have a policy that we are staff and MEMBERS get quoted... Let me know your thoughts, please.

In the event you WOULD like to handle this, the issue brief we did 2 weeks ago covers this issue (see attached). Also, I've attached the ALEC "study."

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**From:** Burns, Adrian [<mailto:aburns@nncogannett.com>]

**Sent:** Tuesday, October 25, 2016 11:02 AM

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**Subject:** Story on Pension System Return Assumptions

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Do you have a bit of time today or tomorrow to chat about this issue? I have been covering the pension systems for quite a awhile (with Columbus Business First for several years, then away from the news business for a while now back at it).

Thanks!

Adrian Burns

Enterprise Reporter

Phone (office & cell): 740-973-4499

[aburns@gannett.com](mailto:aburns@gannett.com)

Follow me on Twitter: @burnsadrian



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**Subject:** RE: Story on Pension System Return Assumptions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you!!!

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**Sent:** Tuesday, October 25, 2016 4:52 PM  
**To:** Bethany Rhodes  
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Bethany,

Representative Schuring wanted me to let you know that he prefers that you handle it because he is busy facilitating a Policy Summit this week.

Would you like me to ask Representative Schuring what member he would recommend you reach out to?

Best,

Abby

Abby Schafer  
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In the event you WOULD like to handle this, the issue brief we did 2 weeks ago covers this issue (see attached). Also, I've attached the ALEC "study."

**Bethany Rhodes**  
Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
614-228-3574 Direct  
614-228-0118 Fax  
[Bethany.Rhodes@orsc.org](mailto:Bethany.Rhodes@orsc.org)  
[www.orsc.org](http://www.orsc.org)

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**From:** Burns, Adrian [<mailto:aburns@nncogannett.com>]  
**Sent:** Tuesday, October 25, 2016 11:02 AM  
**To:** Bethany Rhodes  
**Subject:** Story on Pension System Return Assumptions

Ms. Rhodes, I'm working on a story today looking at a recent American Legislative Exchange Council report that pushes for a much lower expected return rate for pensions. Their "risk-free" rate would obviously push unfunded liability figures up to very high levels for the pension systems, and is indeed the basis of their alarming report.

Do you have a bit of time today or tomorrow to chat about this issue? I have been covering the pension systems for quite a awhile (with Columbus Business First for several years, then away from the news business for a while now back at it).

Thanks!

Adrian Burns  
Enterprise Reporter  
Phone (office & cell): 740-973-4499  
[aburns@gannett.com](mailto:aburns@gannett.com)  
Follow me on Twitter: @burnsadrian



**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 5:08 PM  
**To:** Schafer, Abby  
**Subject:** RE: Story on Pension System Return Assumptions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

No, I'll take care of the number stuff and Beagle said he would call, so we should be all set! THANK YOU, ABBY!

**Bethany Rhodes**  
Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
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---

**From:** Schafer, Abby  
**Sent:** Tuesday, October 25, 2016 4:52 PM  
**To:** Bethany Rhodes  
**Subject:** RE: Story on Pension System Return Assumptions

Bethany,

Representative Schuring wanted me to let you know that he prefers that you handle it because he is busy facilitating a Policy Summit this week.

Would you like me to ask Representative Schuring what member he would recommend you reach out to?

Best,

Abby

Abby Schafer  
Legislative Fellow  
Office of Representative Kirk Schuring  
Ohio House of Representatives, District 48  
77 South High Street  
Columbus, OH 43215  
614-752-2438

---

**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 1:14 PM  
**To:** Schafer, Abby <[Abby.Schafer@ohiohouse.gov](mailto:Abby.Schafer@ohiohouse.gov)>  
**Subject:** RE: Story on Pension System Return Assumptions

Thank you!!!

**Bethany Rhodes**

Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
614-228-3574 Direct  
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---

**From:** Schafer, Abby  
**Sent:** Tuesday, October 25, 2016 12:50 PM  
**To:** Bethany Rhodes  
**Subject:** RE: Story on Pension System Return Assumptions

Bethany,

I will pass this along to Representative Schuring.

Best,

Abby

Abby Schafer  
Legislative Fellow  
Office of Representative Kirk Schuring  
Ohio House of Representatives, District 48  
77 South High Street  
Columbus, OH 43215  
614-752-2438

---

**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 11:39 AM  
**To:** Schafer, Abby <[Abby.Schafer@ohiohouse.gov](mailto:Abby.Schafer@ohiohouse.gov)>  
**Subject:** FW: Story on Pension System Return Assumptions

**Bethany Rhodes**  
Director and General Counsel  
Ohio Retirement Study Council  
30 East Broad Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
614-228-1346 Phone  
614-228-3574 Direct  
614-228-0118 Fax  
[Bethany.Rhodes@orsc.org](mailto:Bethany.Rhodes@orsc.org)  
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**From:** Bethany Rhodes  
**Sent:** Tuesday, October 25, 2016 11:38 AM  
**To:** [statesenator29@gmail.com](mailto:statesenator29@gmail.com); Zielinski, Justin  
**Subject:** FW: Story on Pension System Return Assumptions

Would you be interested in fielding this one? If you like, we can give him numbers and such, but I have a policy that we are staff and MEMBERS get quoted... Let me know your thoughts, please.

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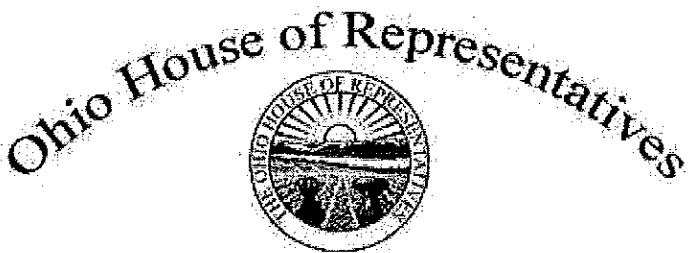
Do you have a bit of time today or tomorrow to chat about this issue? I have been covering the pension systems for quite a awhile (with Columbus Business First for several years, then away from the news business for a while now back at it).

Thanks!

Adrian Burns  
Enterprise Reporter  
Phone (office & cell): 740-973-4499  
[aburns@gannett.com](mailto:aburns@gannett.com)  
Follow me on Twitter: @burnsadrian



**From:** Rosenberger, Cliff  
**Sent:** Tuesday, April 11, 2017 11:33 AM  
**To:** Rosenberger, Cliff  
**Subject:** MEMO: 2017 ALEC Spring Task Force Summit  
**Attachments:** ALECSpringTaskForce.pdf



**Cliff Rosenberger**  
**Speaker, Ohio House of Representatives**

## **Memorandum**

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**To:** All House Republican Members  
**From:** Speaker Cliff Rosenberger  
**Date:** April 11, 2017  
**Re:** 2017 ALEC Spring Task Force Summit

---

As many of you already know, the American Legislative Exchange Council is America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of limited government, free markets and federalism. Comprised of nearly one-quarter of the country's state legislators and stakeholders from across the policy spectrum, ALEC members represent more than 60 million Americans and provide jobs to more than 30 million people in the United States.

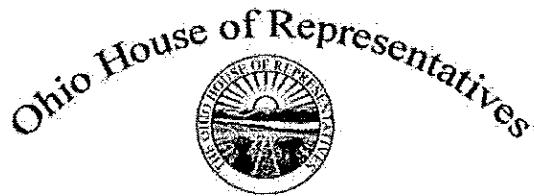
**On May 5, 2017, ALEC will be hosting their Spring Task Force Summit, located in Charlotte, North Carolina.** This one-day summit will give participants the opportunity to collaborate with legislative leaders from across the country on some of the following issues:

- Civil Justice

- Commerce, Insurance and Economic Development
- Communications and Technology
- Criminal Justice Reform
- Education and Workforce Development
- Energy, Environment and Agriculture
- Health and Human Services
- Tax and Fiscal Policy

I can personally attest to the benefit of working with leaders from across our great country to find solutions to common issues. If you are interested in joining ALEC and participating in the 2017 Spring Task Force Summit, I encourage you to visit their website at <https://www.alec.org/>.

If you have any questions or concerns, please do not hesitate to reach out to me or to Tyler Yapple in my office at [Tyler.Yapple@ohiohouse.gov](mailto:Tyler.Yapple@ohiohouse.gov) or 614-466-7959.



**Cliff Rosenberger**  
Speaker, Ohio House of Representatives

**Memorandum**

---

**To:** All House Republican Members  
**From:** Speaker Cliff Rosenberger  
**Date:** April 11, 2017  
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If you have any questions or concerns, please do not hesitate to reach out to me or to Tyler Yaple in my office at [Tyler.Yaple@ohiohouse.gov](mailto:Tyler.Yaple@ohiohouse.gov) or 614-466-7959.

**From:** Fleck, Craig  
**Sent:** Friday, June 22, 2018 3:42 PM  
**To:** GOP\_All  
**Subject:** New GOP Additions

# WELCOME

When you get a free minute, please make sure to introduce yourself and welcome the newest members of our team.



**Tyler  
Herrmann,  
Deputy Legal  
Counsel /  
Policy Advisor**

Tyler is from Harrison, Ohio and holds a Juris Doctorate from the University of Cincinnati and a Political Science degree from Wright State University. Tyler served in the United States Air Force as an Operations Intelligence Analyst NCO and currently serves as a JAG Attorney for the United States Army. He currently presides as the Chairman for the Ohio Chapter of the Republican National Lawyers Association, and as the Treasurer for the Cap City Young

Republicans. Tyler transferred to the House from the Attorney General's Office where he served as an Assistant Attorney General within the Executive Agencies Section.

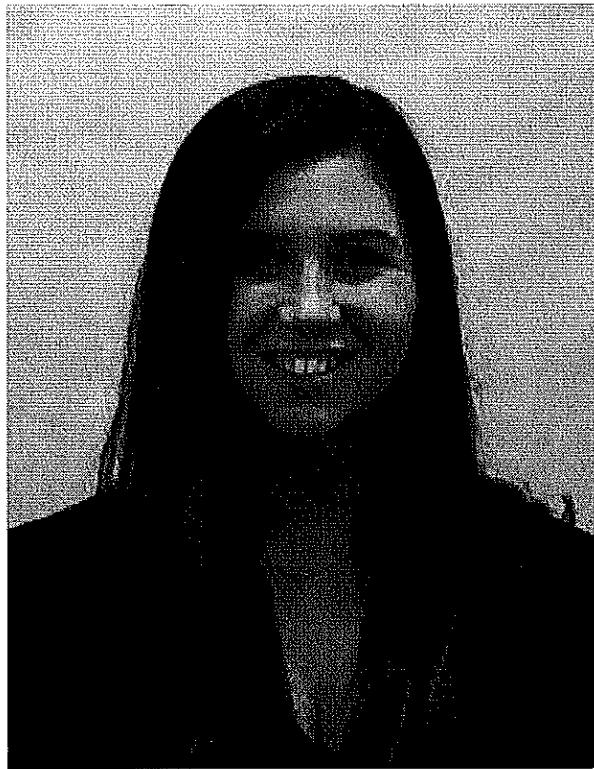
## James Kennedy, LA Merrin



James is from Palm City, Florida and an alum of Florida, Atlantic University where he graduated with a degree in Political Science. While in college he had the opportunity to serve as a Tax and Fiscal Policy Intern for the American Legislative Exchange Council (ALEC). James has an extensive research background serving as a Legal Research Analyst Intern for the Buckeye Institute and as a Political-Military Analyst Intern for the Hudson Institute. Prior to arriving to the House, he served as a Legislative Assistant for the Tennessee Legislation Service in Nashville. In James' free time, he enjoys collecting sports memorabilia and claims to have personally met nearly every

major league baseball superstar.

## Lauren Reid, LA Butler



Lauren is from Madison, Connecticut, and recently graduated from the University of Dayton with degrees in Criminal Justice and Political Science with a minor in Spanish. While at Dayton, she served as a Statehouse Civic Scholar, where she was assigned an internship working for the Governor's communication team. Lauren had the unique experience of traveling to Segovia, Spain, where she participated in a four-week immersion program. During the winter months whenever she gets the opportunity, she enjoys to snowmobile.

## Craig Fleck

Deputy Administrative Officer  
Ohio House of Representatives  
77 South High Street, 12<sup>th</sup> Floor

Columbus, Ohio 43215  
Cell: 440.376.6098  
Office: 614.466.2175  
[Craig.fleck@ohiohouse.gov](mailto:Craig.fleck@ohiohouse.gov)

**From:** Lenzo, Mike  
**Sent:** Tuesday, April 26, 2016 1:08 PM  
**To:** Lenzo, Mike  
**Subject:** JLEC Memo on Political Conventions  
**Attachments:** 2016 JLEC Memo on Political Conventions.pdf

**Importance:** High

To All House Republican Members and Staff:

Attached you will find the 2016 JLEC memorandum on attending a political convention. With the Republican National Convention being located in Cleveland in July, there will likely be many members and staff who decide to attend the convention in various capacities, as well as many different receptions and other events associated with the convention. The attached JLEC memo will help explain the ethics implications of many of the situations that may arise during the convention.

The most important detail to remember regarding the Republican National Convention is that it is a campaign event. The exemption that applies to the meetings of national conferences that the General Assembly pays dues to (such as NCSL, ALEC, CSG, etc) does not apply to the Republican National Convention.

There will be many different situations that arise regarding the convention. Please contact me if you have any questions.

**Michael Lenzo**  
Majority Legal Counsel  
House Republican Caucus  
Ohio House of Representatives  
614-466-3716

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THE 131<sup>ST</sup> OHIO GENERAL ASSEMBLY  
**JOINT LEGISLATIVE ETHICS COMMITTEE**  
OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

50 W. Broad Street, Suite 1308, Columbus, OH 43215 • (614) 728-5100 • www.jlec-olig.state.oh.us

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**MEMORANDUM**

**To:** Senate and House Caucus Counsel  
**From:** Office of the Legislative Inspector General  
**Date:** April 26, 2016  
**RE:** *Attendance at National Political Party Nominating Conventions*

---

Members of the General Assembly and legislative staff may be in attendance at the presidential nominating convention ("political convention") for their respective political parties later this summer. In addition to the actual convention, many events will be held in the host cities (RNC - Cleveland and DNC - Philadelphia) at the same time. These events are likely to be hosted by a variety of different organizations. The purpose of this memo is to review the limitations on what may be accepted and the reporting requirements for Members and legislative staff in attendance.<sup>1</sup> This information is applicable to those in attendance whether as Delegates or as general attendees.

**I. *Financial Disclosure Requirements – Meals and Beverages:***

Members and legislative employees<sup>2</sup> must identify the source of all **official** meals and beverages where the value exceeds \$100, aggregated per calendar year in *Section 10: Meals, Food and Beverages* on their financial disclosure statement. Only meals *incurred in connection* with the person's official duties must be reported on the financial disclosure statement. In order for a meal to be *incurred in connection* with the person's official duties, it is necessary that the functions are related to, or associated with, the individual's position as a public official or employee. Attendance at a political convention is not related to, or associated with, a person's official duties with the General Assembly. Therefore, meals and other food and beverages

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<sup>1</sup> Although questions have been raised in the media as to the applicability of R.C. 2921.02 or 3599.01 "Bribery" in the context of national conventions, JLEC's jurisdiction and enforcement authority does not include R.C. 2921.02 or 3599.01 "Bribery". This memorandum addresses expenditure limits applicable in the absence of bribery.

<sup>2</sup> For financial disclosure reporting purposes, legislative employees are those employees of the General Assembly or any legislative agency that file a financial disclosure statement.

---

Committee					
Keith Faber <i>Senate President, Chair</i>	Joe Schiavoni <i>Senate Min. Leader</i>	Capri Cafaro <i>Senator</i>	Lou Gentile <i>Senator</i>	Larry Obhof <i>Senator</i>	Scott Oelslager <i>Senator</i>
Cliff Rosenberger <i>Speaker, Vice Chair</i>	Fred Strahorn <i>House Min. Leader</i>	Ron Amstutz <i>Representative</i>	Kevin Boyce <i>Representative</i>	Nicholas Celebrezze <i>Representative</i>	Dorothy Pelanda <i>Representative</i>
Staff					
Tony Bledsoe <i>Executive Director</i>					

provided to a Member or legislative employee at a political convention are not incurred in connection with their official duties and do not count toward the \$100 threshold.<sup>3</sup>

## **II. Financial Disclosure Requirements – Meals and Beverages from Lobbying Sources:**

Meals and beverages provided to a Member or legislative employee directly from an Ohio legislative agent or the employer of an Ohio legislative agent, will be reported by the legislative agent or employer regardless of whether the meals and beverages were related to official duties. Meals and beverages provided by a legislative agent to a Member of the General Assembly or legislative staff while attending a political convention count towards the \$75 annual limit. The “national conference exception,” often referenced when discussing Ohio’s ethics and lobbying laws, does not apply to political party nominating conventions.

Members and all legislative staff are reminded that they are prohibited from accepting more than \$75, aggregated per calendar year, in meals and beverages from a legislative agent.<sup>4</sup> This limit does not apply to meals and beverages from the employer of a legislative agent.<sup>5</sup> A Member’s or legislative employee’s name will be included in a legislative agent’s Activity and Expenditure Report, if he or she accepts more than \$50 in meals and beverages from the legislative agent in a calendar year.<sup>6</sup> Meals and Beverages received from the employer of a legislative agent are reportable from \$0.01. A Member or legislative employee whose name appears on a lobbying expenditure report will include this information on his or her financial disclosure statement, under *Section 11: Non-disputed Information*.

*Please note:* Meals and beverages provided at an All-Invited Event do not count towards the \$75 annual limit or trigger the reporting of a recipient’s name on a lobbying report. An All-Invited Event is a dinner, party, or reception to which all Members of the General Assembly, or all Members of either chamber of the General Assembly, are invited to attend. An event need not be exclusive to General Assembly Members to be considered an All-Invited Event.<sup>7</sup>

## **III. Financial Disclosure Requirements – Gifts:**

Members and legislative employees must identify the source of a gift where the value of the gift or gifts, aggregated per calendar year exceeds \$75 (or if received from a legislative agent, \$25) in *Section 9: Gifts* on their financial disclosure statement.<sup>8</sup> Members and all legislative

<sup>3</sup> Generally, receptions are considered to fall under the meal section where the main purpose of the event is for social gathering and not entertainment, even assuming there is some type of background entertainment. However, where the main purpose is entertainment (i.e., a well-known band is hired to perform a concert), that would be considered a gift.

<sup>4</sup> R.C. 102.031(C)(2); § 5(B)(2) Legislative Code of Ethics.

<sup>5</sup> To determine whether an expenditure is attributable to a legislative agent or an employer, the Ohio Legislative Inspector General (OLIG) uses a “point of sale” test. From the perspective of the recipient, the OLIG asks: “at the time of the expenditure, who would the recipient say paid for or provided the expenditure?” See Ohio Lobbying Handbook, at 46.

<sup>6</sup> Legislative Agents may spend up to \$50.00 aggregated per calendar year per reportable person without itemizing the expenditure. See Ohio Lobbying Handbook, at 41.

<sup>7</sup> R.C. 101.73(D).

<sup>8</sup> R.C. 102.02(A)(2)(g). Generally, a gift provided to a spouse is for the use or benefit of the Member or employee (i.e., spouse is receiving the gift because he or she is the spouse of the Member or employee).

staff are reminded of the prohibition on accepting more than \$75, aggregated per calendar year, in gifts from a legislative agent.<sup>9</sup> A legislative agent or employer of a legislative agent who provides a gift valued at more than \$25, must report the Member or legislative employee as the recipient of a gift on their corresponding Activity and Expenditure Report.<sup>10</sup> In turn, a Member or legislative employee whose name appears on a lobbying expenditure report will include this information on his or her financial disclosure statement, under *Section 11: Non-disputed Information*.

**A. Charitable Fundraisers – Tickets:**

A non-political fundraiser is one held by a non-profit charitable organization. A ticket to a non-political fundraiser where the source of the ticket is the entity hosting the event is not a gift for lobbying or financial disclosure reporting purposes.<sup>11</sup> However, Members and legislative staff are reminded that a complimentary ticket to a non-political fundraiser where the source of the ticket is a third party is a gift.<sup>12</sup> Where the source of the complimentary ticket is a third party, the value of the ticket is the portion of the ticket price that is not a tax-deductible charitable donation.<sup>13</sup>

**B. Political Fundraisers – Tickets:**

Regarding the acceptance and reporting of tickets to political fundraisers, Members and legislative employees are reminded that a ticket to a political fundraiser given to a Member or legislative staff by a person other than the candidate or committee on whose behalf the fundraiser is being held is a gift.<sup>14</sup> The value of which, is the actual face value of admission.<sup>15</sup> However, complimentary attendance at a political fundraising event is not considered a gift if the source of the complimentary admission is the candidate/committee hosting the event.<sup>16</sup>

**C. Reporting of Social Events Held by the Political Parties During the Political Conventions:**

During the political conventions, the national (RNC/DNC), state (Ohio Republican Party/Ohio Democratic Party), and/or local political parties will also likely hold non-fundraising social events as part of the political conventions. The costs incurred for the social events may be offset by financial support provided to the national, state, or local political parties from third parties, including those who are registered lobbyists or the employers of registered lobbyists. Where the Member or legislative employee is invited by a national, state, or local political party to attend the event hosted by the party, the source of the gift for financial disclosure statement reporting purposes is the party organization hosting/inviting the Member

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Therefore, the amount of the gift must be added to the amount, if any, of the gift received by the Member or employee.

<sup>9</sup> R.C. 102.031(C)(3); § 5(C) Legislative Code of Ethics.

<sup>10</sup> Admin. Code 101-9-01(D)(2).

<sup>11</sup> 2000 JLEC Advisory Op. 2000-002; See R.C. 102.02(A)(2)(g).

<sup>12</sup> 2014 JLEC Advisory Op. 2014-003; See R.C. 102.02(A)(2)(g).

<sup>13</sup> 2014 JLEC Advisory Op. 2014-003.

<sup>14</sup> *Id.*

<sup>15</sup> 2000 JLEC Advisory Op. 2000-002.

<sup>16</sup> *Id.*

or legislative reportable person. Mere financial support provided by sponsors to the national, state, or local political parties does not trigger financial disclosure or lobbying reporting by those sponsors.

#### ***IV. Prohibition – Travel:***

Members and legislative staff are prohibited from accepting travel expenses<sup>17</sup> from a legislative agent **except actual travel expenses related to official duties**, which Members and legislative employees must identify under *Section 8: Travel* on their financial disclosure statement.<sup>18</sup> Travel payments or reimbursements made to a Member or legislative employee for attendance at a presidential national convention **are not incurred in connection with their official duties**. As such, except for each car trip under 50 miles one way, Members and legislative staff are prohibited from accepting actual transportation/lodging expenses from a legislative agent for any travel related to attendance at a political convention.<sup>19</sup>

Please note that travel expenses paid for or reimbursed **by a campaign committee** are not considered gifts for financial disclosure purposes. These reimbursements will be reported in campaign finance reports, thus serving the public interest of full and fair disclosure. Reasonable, ordinary, necessary and verifiable expenses for a candidate/officeholder and spouse to attend a party's national convention are considered to be legitimate campaign fund expenditures.<sup>20</sup>

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<sup>17</sup> For ethics purposes, travel is defined as lodging and any transportation by airplane, train, or common carrier regardless of the distance and any transportation by automobile, for each trip which exceeds 50 miles per trip, one way. Lodging encompasses the following: (1) A stay of one or more nights in a commercial establishment or (2) A stay of one or more nights in a noncommercial private dwelling. As to noncommercial private dwellings, this includes residences owned in whole or in part by a legislative agent. See 1997 JLEC Advisory Op. 97-006.

<sup>18</sup> R.C. 102.031(C)(1); R.C. 102.03(H); § 5(B)(1) Legislative Code of Ethics.

<sup>19</sup> If a Member or legislative employee accepts travel from a non-prohibited source, he or she will report the entity as the source of a gift.

<sup>20</sup> Ohio Elections Commission Advisory Opinion 96ELC-09, available at <http://elc.ohio.gov/AdvisoryOpinion/96ELC-09.pdf>.

**From:** Gongwer News Service  
**Sent:** Monday, August 1, 2016 5:40 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Monday, August 1, 2016  
**Attachments:** Aug1.htm; Aug1House.htm; Aug1Senate.htm;  
160801dayplan.htm



## **Ohio Report for Monday, August 1, 2016**

Following JCARR Discussion, Dietitians, ODA To Continue Talks On Senior Food Programs

State Still Seeking Lethal Drugs With Next Execution Set For January; Lawmakers Look To Alternatives

Trump, Clinton At Odds During Columbus Campaign Stops

GOP Lawmakers Tout Model Suicide Prevention Legislation, Contemplate Charter School Industry Structures At ALEC Event

Husted Urging Changes In Special Election Laws

LPO Plans Appeal After Latest Setback In Ballot Access Case

Ethics Commission: Former Columbus Council Members Should Pay For Attendance At 2014 Game

Education Notes: ODE Seeking Career-Focused Education Grant; Chancellor Carey Plans UA Visit; OSU Police Department Recognized

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

Supplemental Event Planner

## **Activity Reports**

House

Senate

## **Calendars**

Day Planner

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## Volume #85, Report #147 -- Monday, August 1, 2016

### Following JCARR Discussion, Dietitians, ODA To Continue Talks On Senior Food Programs

Dietitians argued Monday that current and pending administrative rules could impair nutrient adequacy and lack adequate food safety guidelines for senior citizens.

Representatives of the Ohio Academy of Nutrition and Dietetics told the Joint Committee on Agency Rule and Review their concerns have not been completely addressed by rule changes put forth by the Department of Aging. (Agenda)

At the same time, they thanked the department for taking their feedback into account, even if all their proposed changes were not adopted during the rulemaking process.

"We're not going to let this go," OAND State Policy Representative Pat McKnight said. "We'll meet with the department and go over these (issues) but we just wanted to make you all aware this issue is not solved."

In the end, JCARR members did not act on the rule, which allows it to proceed toward implementation.

Following a "productive" meeting with the department last week, interested parties are next scheduled to meet in six months to continue the discussion, Ms. McKnight said. But at the urging of Rep. Cheryl Grossman (R-Grove City), ODA Policy Development Manager Tom Simmons said the department would be agreeable to moving that meeting up to take place within two months.

The testimony came in response to a rule package including 19 proposed rules and 18 other rules to be rescinded pertaining to nutrition programs under the Older Americans Act. The rules would pertain to AAA providers, which include local area aging agencies.

Specifically, the groups are concerned with Rule 173-4-5 and Rule 173-4-5.2, which establish general requirements for nutrition projects and home-delivered meal projects respectively.

Part of the concern centers on the one-third federal dietary reference intake for meals, which requires a minimum of one-third of one's meals provided through OAA funding meet nutritional requirements. Ms. McKnight said the new rule along with existing federal law does not provide enough information to ensure the one-third requirement is met. She said it also prohibits the use of leader nutrients, which dietitians had formerly used as a workaround to meet those requirements.

"It's not that the dietitian wouldn't want to do it," she said of compliance. "There is no way he or she could do it because the data's simply not available."

Ms. McKnight also contended that the new rules include no standards for non-therapeutic menus - healthy diets not tailored to a specific patient. More providers, she said, are using such menus to cut down on their clients' intake of carbs or sodium. And she questioned the department's claim that it has no ability to develop or enforce food safety standards for such providers.

Mr. Simmons said the department lacks jurisdiction in modifying the federal OAA. But he said the department is committed to having an ongoing dialogue with stakeholders.

"The number one goal of our entire project is to remove the overbearing regulation within these rules and with that make it easier to do business," Mr. Simmons said.

OAND State Regulatory Specialist Kay Mavko said the group plans to continue to engage the department and lawmakers on these issues.

"We are committed to working on this," Ms. Mavko said. "We don't want to let it go. We realize the department is limited in what it has the authority to do and what the rulemaking process allows it to do, but we still have some concerns."

### **State Still Seeking Lethal Drugs With Next Execution Set For January; Lawmakers Look To Alternatives**

Ohio's next scheduled execution is now less than six months away, yet the state hasn't been able to obtain at least one drug typically used in the lethal injection process since 2013.

The state is still trying to acquire drugs used to carry out executions, according to JoEllen Smith, a spokeswoman for the Department of Rehabilitation and Corrections.

"DRC continues to seek all legal means to obtain the drugs necessary to carry out court ordered executions," she said. "This process has included multiple options."

Without the drugs necessary, the state could be forced to again delay the execution of Ronald Phillips, who was convicted of the 1993 murder of a 3-year-old girl. He is one of 26 people scheduled to be executed by the state in the coming years.

Mr. Phillips has had several execution dates, the most recent of which was Jan. 21, 2016. He had a 2014 execution date that was delayed after the botched execution of Dennis McGuire, who gasped for air at times over a 25-minute process carried out for the first time in Ohio with a two-drug cocktail.

That concoction - a mixture of midazolam, a sedative, and hydromorphone, a narcotic painkiller - was used for the first time because in the fall of 2013 European

pharmaceutical companies blocked the sale of pentobarbital, which was previously used in the lethal injection process.

In the wake of Mr. McGuire's execution - which the state said caused no pain - a federal judge in May 2014 issued a moratorium on the death penalty in Ohio, which was later extended until Jan 15, 2015.

Shortly before the moratorium expired, the state announced that it would abandon the use of the two-drug mixture and instead use thiopental sodium, which was utilized in executions from 1999 to 2011.

However, in October, the state announced that it was again delaying all executions, with 2017 as the earliest date. (See Gongwer Ohio Report, October 20, 2015)

Gov. John Kasich also signed legislation (HB663, 130<sup>th</sup> General Assembly) in December 2014 to shield the identities of execution-drug makers.

Sen. Bill Coley (R-Liberty Twp.) laid blame for the state's inability to secure the drugs necessary to carry out an execution at the feet of the administration of President Barack Obama.

"The Obama administration chooses not to enforce marijuana laws, which then lead to states legalizing medical marijuana," he said. "Strangely enough they go beyond what they are authorized to do relative to execution drugs."

Nonetheless, he expressed hope that once a new administration takes office on Jan. 20, it will make it easier to secure drugs necessary to carry out executions.

Current state law allows for executions to be carried out only through lethal injection. However, one panel led by Sen. Coley is exploring alternate forms of execution.

The Joint Legislative Study Committee on Victims' Rights in March heard testimony from Matt Kanai, general counsel for the law enforcement division in the attorney general's office, on ways other states are dealing with the lack of lethal injection drugs. (See Gongwer Ohio Report, March 10, 2016)

Sen. Coley said he is intrigued by nitrogen hypoxia as a form of execution, which Oklahoma has recently added as an option to carry out the death penalty.

He said the death would be similar to that caused by a decompressed plane cabin and added he believes it would not be deemed cruel or unusual by the courts. However, he said he would prefer to let the issue work its way through the justice system, which could take two to four years, before moving forward with it as a form of execution in Ohio.

The abolishment of the death penalty, though, is not on the table for Sen. Coley.

"The one great thing about the death penalty is there is zero recidivism," he said. "There are truly evil people in this world and it's our duty to eradicate them from the face of the planet. The death penalty has been an effective tool to that end."

However, Abe Bonowitz, communications director of Ohioans to Stop Executions, said the state should follow the lead of others and abolish the death penalty.

"We have a system that is blatantly unfair and has all kinds of issues with it," he said.

"The trends with the death penalty are away from it across the country and in Ohio fewer counties are using it," he added.

As for Mr. Phillips' scheduled execution, Sen. Coley said he's been led to believe that it can still be carried out.

"From everything that I've heard from the director, right now they believe it can be," he said. "They still have time."

### **Trump, Clinton At Odds During Columbus Campaign Stops**

Donald Trump began his Columbus appearance Monday by blasting a local fire marshal for turning away "thousands" of his supporters for political reasons.

Before taking the stage at the Greater Columbus Convention Center, Mr. Trump made a brief surprise appearance to media gathered outside the room, according to various reports.

There he claimed there were thousands of people outside until they were turned away "for political reasons" by the fire marshal. Several media reports placed the number closer to hundreds.

"So we have a thousand people in there," Mr. Trump said, according to video. "The fire marshal said he's not allowed to allow any more, even though the building holds many thousands of people, so I just want to tell you that."

The perceived slight was the first thing Mr. Trump mentioned upon taking the mic. From there, he segued into terrorism, the border, trade, and his desire to see a ballroom constructed at the White House.

His appearance came one day after Democratic nominee Hillary Clinton and her VP pick Sen. Tim Kaine appeared in Columbus, where Ms. Clinton labeled Mr. Trump "a serious threat to our democracy."

With the event billed as a town hall, Mr. Trump fielded three questions on topics including healthcare, regulation on small businesses, and the heroin epidemic.

He pinned Ohio's job loss on President Bill Clinton, saying that the state lost one in three manufacturing jobs since the signing of NAFTA, and accused Ms. Clinton of being beholden to large donors.

"We are going to turn this state into a manufacturing behemoth," he said. "We are going to bring your jobs back, we're going to bring your companies back."

Between his usual attacks on illegal immigrants and the media, he said he's raised \$35.8 million in the last month from more than 500,000 donors and added that if he'd had two more days to campaign for the primary he - and not Gov. John Kasich - would have won the Buckeye State, which he lost by 11 points. (See Gongwer Ohio Report, March 15, 2016)

Mr. Trump did not mention his criticism of a Muslim couple - Khizr and Ghazala Khan - which GOP leaders have rebuked in recent days. Ohio veterans, in a Monday morning conference call organized by the Clinton campaign, called upon Mr. Trump to apologize for those attacks.

The Khans criticized the businessman during a speech at the Democratic National Convention, while describing the death of their son, a U.S. Army captain killed in Iraq. Mr. Trump spent days afterward blasting the couple. (See Gongwer Ohio Report, July 29, 2016)

As attacks continue to volley between Mr. Trump and the Khans, Republican leaders - including House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell - sought to distance themselves from Mr. Trump's remarks. GOP VP candidate Mike Pence, meanwhile, issued a statement saying he and Mr. Trump believe the Khans and their son "should be cherished by every American."

"Donald Trump does not understand the experience of our military families or our veterans," said former Democratic lawmaker and Air Force veteran Connie Pillich. "He tries to portray himself as strong and brash, but there is nothing strong or powerful about insulting the family of a fallen soldier."

Air Force Reserve member Rep. John Boccieri (D-Alliance) said "words do matter... and Donald Trump just doesn't get it."

"It's very clear from his remarks about John McCain and now Capt. Khan that he doesn't understand the type of sacrifices the men and women in uniform make for our country," he said. "The suffering and pain and struggle that these families go through on a daily basis are just unspeakable and to make light of it, to now attack this family I think is very indicative of the type of presidency he will run."

Republicans have also steered clear of the remarks, with Gov. John Kasich tweeting in his most recent disagreement with Mr. Trump: "There's only one way to talk about Gold Star parents: With honor and respect. Capt. Khan is a hero. Together we should pray for his family."

Ms. Clinton has likewise criticized the businessman for those attacks. During her Columbus appearance, she told the crowd "it's going to be up to all of us to repudiate" such attacks.

Ms. Clinton's latest Columbus appearance marked the culmination of her three-day "Stronger Together" bus tour of Pennsylvania and Ohio. There Ms. Clinton questioned Mr. Trump's business acumen and outlined her plan to invest in jobs during her first 100 days in office.

She pushed for more support for small businesses and asked rhetorically what would have happened if her father, who made draperies, had fulfilled his contractual obligations only for someone like Mr. Trump to refuse to pay for the product.

"To person after person and business after business, Donald Trump said, 'I don't care,'" Ms. Clinton said. "It's not because he couldn't pay them. He wouldn't pay them. He drove businesses into bankruptcy in addition to taking bankruptcy himself six times. My friends, that's not how we do business in America."

"He makes dress shirts in China, not Brooklyn, New York," she continued. "He makes furniture in Turkey, not Cleveland, Ohio. He makes barware in Slovenia, not Jackson, Ohio. And he goes around saying he wants to put America first and American workers first."

The campaign continues seizing upon news from recent days that Mr. Trump recently applied for dozens of H-2B visas to fill staff positions at his Palm Beach Mar-a-Lago resort and his Jupiter, Fla., golf club with foreign workers.

"Shame on you, Donald Trump," Ms. Clinton said. "Let's cut through all the hype and rhetoric and understand that we're dealing with somebody who has a history of stiffing people, making things somewhere else besides America, and whenever possible, hiring foreign workers."

**Bump:** Ms. Clinton appears to have received a polling boost following the Democratic National Convention last week. A CBS News July 29-31 poll showed her leading Mr. Trump nationally 47-41%.

The pair were virtually tied in the same poll last week following the Republican National Convention. When including Libertarian candidate Gary Johnson, Ms. Clinton leads Mr. Trump 43-38%, followed by Mr. Johnson at 10%.

Mr. Trump had previously seen a post-RNC bump in some polls conducted last week. (See Gongwer Ohio Report, July 26, 2016)

**Endorsement:** The Ohio Right to Life PAC on Monday announced its endorsement of Mr. Trump and a handful of candidates for other offices.

"Our mission is to protect the sanctity of human life, and right now there is no ticket more threatening to that mission than that of Hillary Clinton and Tim Kaine," ORTL President Mike Gonidakis said. "Many times over, Mr. Trump has committed himself to appointing pro-life Supreme Court Justices, signing the Pain-Capable Unborn Child Protection Act, and protecting religious liberty."

Mr. Trump has faced questioned on his views on abortion. In 1999, he said he was "very pro-choice," although he said his opinion has since "evolved." Currently anti-abortion, he caught flack earlier this year, even from anti-abortion groups, for suggesting in an MSNBC interview "there has to be some form of punishment" for women who obtain an abortion. He later walked back that comment.

### **GOP Lawmakers Tout Model Suicide Prevention Legislation, Contemplate Charter School Industry Structures At ALEC Event**

Legislation providing suicide prevention tools to colleges and universities that originated in the Ohio House is on course to be copied by other states.

Rep. Marlene Anielski (R-Walton Hills) last week attended the American Legislative Exchange Council's annual meeting to promote her resolution that the organization has approved as model legislation.

The controversial annual ALEC meeting typically draws conservative lawmakers to draft and consider bills that are oftentimes backed by the private sector.

Ohio lawmakers who attended the event include Senate President Keith Faber (R-Celina), Rep. Andy Brenner (R-Powell), Sen. Bill Coley (R-Liberty Twp.), Rep. Wes Retherford (R-Hamilton), Sen. Bob Peterson (R-Sabina), Rep. Ron Hood (R-Ashville), Sen. Bill Seitz (R-Cincinnati), Rep. Tom Brinkman (R-Cincinnati) and Rep. Lou Terhar (R-Cincinnati).

While some question the group's motives for including businesses in the bill-writing process, Rep. Anielski said the three-day meeting allows her to collaborate with lawmakers across the country to view issues differently.

ALEC was also beneficial in helping her promote legislation (HB 28) that was enacted last summer in Ohio, she said. It provides colleges and universities with free access to suicide prevention programs as well as related materials and tools that were already available to K-12 schools.

"I wanted to make sure that the resources were out there because there are some universities that have already met all the requirements because they're already doing this, but I wanted to bring up the people that needed help and I didn't want them to start from scratch so now they have options," Rep. Anielski said in an interview.

The bill also required institutions to take part in a five-part program that includes crisis intervention access, mental health program access, multimedia applications, a student communication plan and more.

The ALEC-approved version of the legislation is a resolution urging colleges to take part in the programs rather than requiring it, Rep. Anielski said.

"Basically it's almost like a committee process and you have to go and sell it and market it and basically convince your colleagues from around the nation that this is a good idea," she said of ALEC. "I presented it first as a bill in December and they asked me to come back and present it as a resolution because they didn't want schools to be mandated to do that."

West Virginia has already enacted legislation that mirrors Ohio's bill, while four other states have used portions of it, Rep. Anielski said. She's hoping those numbers go up now that the concept has ALEC backing.

She was joined in education-related sessions by Rep. Brenner, who said he spent a portion of the annual meeting involved in brainstorming on charter schools.

The discussions, which included presentations from school choice and charter school leaders from across the country, allowed participants to begin building a framework for those states that need to improve their sectors or are looking to establish one, he said in an interview.

Holding dropout recovery and prevention schools accountable in ways other than test scores that address the makeup of those schools was also a topic of conversation.

"Basically, the biggest thing I don't think (people) get about ALEC is it's not an evil thing. It just like a big interested party meeting," Rep. Brenner said of his experience, referring to criticism of the group.

"We're just discussing basic public policy and what would be good model legislation written basically by legislators and we're dealing with the same organizations back in our Statehouse," he added.

Center for Media and Democracy, the group behind a website called ALEC Exposed, doesn't buy that, though. It argues on its website that the ALEC meetings are where "global corporations and state politicians vote behind closed doors to try to rewrite state laws that govern your rights."

Rep. Brenner said he'd like to see the event televised to provide transparency and educate people about the issues lawmakers - whose meeting expenses are covered by the party - are addressing.

Held in Indianapolis, the event agenda included breakout sessions as well as a speakers list that featured Trump running mate Gov. Mike Pence.

## **Husted Urging Changes In Special Election Laws**

Absentee voting has started in a special Democratic primary for the Eighth Congressional District, although Secretary of State Jon Husted is pushing lawmakers to change the law that is requiring the election to take place.

The special primary is designed to name a Democratic candidate to replace Corey Foister on the ballot in November. Mr. Foister withdrew 107 days before the November election and will be replaced on the ballot by Steve Fought.

State law requires a special election to be held if a congressional candidate withdraws from the race with more than 90 days to go before the general election, according to Mr. Husted's office. After the 90<sup>th</sup> day before the election, there's a window allowed by state law in which the party could appoint a candidate without a special election.

In a statement, Secretary Husted said he will urge the General Assembly to make changes to Ohio law to avoid having conduct a special primary election in which only one candidate is running in the future.

"It is a waste of time and tax dollars to hold a special election when only one candidate is running," Secretary Husted said. "I hope the legislature will change the law to avoid this problem in the future."

Absentee voting in the special primary for overseas and military voters started Saturday, according to the Secretary of State's office.

Mr. Fought, a former press secretary for U.S. Rep. Marcy Kaptur (D-Toledo), lives in Toledo but plans to move to Butler County to run for the seat, according to a report from the *Toledo Blade*.

Mr. Fought will face U.S. Rep. Warren Davidson (R-Troy), who won the seat formerly held by House Speaker John Boehner in a special election in June (See Gongwer Ohio Report, June 8, 2016). Green Party candidate James J. Condit Jr. is also running for the seat.

## **LPO Plans Appeal After Latest Setback In Ballot Access Case**

The Libertarian Party of Ohio said Monday it will appeal a federal appeals court's rejection of the group's claims it was unfairly kept off the state ballot in the 2014 election.

The U.S. Sixth Circuit Court of Appeals on Friday affirmed the May decision by a district court in favor of Secretary of State Jon Husted.

In its appeal to the Sixth Circuit, the LPO claimed state actors selectively enforced the law against Libertarian Party candidates and that state law violated the equal protection

clause of the 14<sup>th</sup> Amendment by requiring new minor parties to nominate candidates by petition, rather than primary elections.

Circuit Judge Karen Nelson Moore wrote in the decision that the LPO failed to demonstrate the Secretary of State's Office worked with the Ohio Republican Party in a conspiracy to keep the Libertarians off the ballot in 2014. Judge Moore said the district court was correct in granting summary judgment on the selective enforcement claim.

As to the claim of equal rights violations, the court ruled the state's interest in requiring new minor parties to demonstrate a base of support outweighed the burden placed on the LPO by having to nominate candidates by petition, instead of by primary election.

Mark Brown, the LPO's lead attorney, said in a statement that the party will appeal the decision, saying voters should have the ability to vote for their presidential ticket of former New Mexico Gov. Gary Johnson and former Massachusetts Gov. William Weld.

"We are immediately appealing the Sixth Circuit's decision to the United States Supreme Court," he said. "The Constitution and the voting rights of Ohioans are too important not to. The Johnson/Weld ticket offers a critical choice in this election cycle, and as things stand Ohio Republicans have been allowed to cancel that choice. The Supreme Court may change all that."

Joshua Eck, a spokesman for Secretary Husted, said the case has been clearly decided.

"The court of appeals, like every court before them have affirmed that this law is constitutional," he said in an email. "It's time to stop wasting the taxpayers' money with this frivolous lawsuit."

The lawsuit is the latest by the LPO over ballot access. In 2006, the party successfully challenged a state law that required parties that received less than 5% of the vote in the last gubernatorial or presidential election to file petitions 120 days before the primary election, or nearly a year before the general election, in order to appear on the ballot.

The party successfully challenged a similar law in 2011, this one requiring the petitions to be filed 90 days before the primary election.

"As we have promised Ohio voters, the LPO will work to overturn any and all unconstitutional restrictions that Republicans or Democrats use to block voters from having free, fair, and meaningful choices at the ballot box," Bob Bridges, the LPO's executive committee chair, said in a statement.

Mr. Bridges said the party is currently working to gather the 5,000 signatures required to place Govs. Johnson and Weld on the ballot in November as independents. The deadline for that petition is Aug. 10.

**Ethics Commission: Former Columbus Council Members Should Pay For Attendance At 2014 Game**

The Ohio Ethics Commission has reached agreements with three former Columbus City Council members, including current Mayor Andrew Ginther, for them to pay more than \$400 each after accepting tickets to the 2014 Big Ten Championship football game from a vendor.

The letters from the OEC released Monday call for Mr. Ginther, Council Member Shannon Hardin and now-Franklin County Municipal Judge Eileen Paley to pay \$446.53 to the City of Columbus to benefit new city ethics policies and protocols.

All three were members of the city council in 2014 when Centerplate, a vendor of the Franklin County Convention Facility Authority, paid for them to attend the game in Indianapolis.

The city appoints members to the authority and appropriates more than \$7 million per year to fulfill bond requirements from the FCCFA, meaning the city could be required to fund authority deficits, according to the letter.

The OEC also sent a letter to Donald Leach Jr., an attorney representing the FCCFA, calling for him to pay \$893.06 for the cost of attendance for him and his wife.

Mr. Hardin also agreed to pay \$893.06, also covering the cost of a guest who attended.

The amounts to be paid are the difference between what the officials paid and what the OEC determined the actual cost to Centerplate was for the event and transportation.

The OEC letters said there was no finding in the review that ethics law or other statutes were violated, so the matters were closed and no further action will be taken.

#### **Education Notes: ODE Seeking Career-Focused Education Grant; Chancellor Carey Plans UA Visit; OSU Police Department Recognized**

The Ohio Department of Education is soliciting public input as it pursues a grant aimed at improving career-focused education.

Before submitting its application for the three-year grant, ODE said it would like to gather survey responses from educators, parents, students, businesses and community organizations to determine the access to career prep resources in schools now.

"The department will use the information from the survey to create the grant proposal on how Ohio will increase pathways for students to get the training and skills they need to compete for jobs," according to an ODE release.

The New Skills for Youth grant is sponsored by the Council of Chief State School Officers, the National Association of State Directors of Career Technical Education Consortium and JP Morgan Chase.

**Chancellor Visit:** Chancellor John Carey will head to the University of Akron Tuesday to lead a roundtable discussion on higher education and business partnerships.

ODHE announced that from 10:30-noon he'll be joined by UA's Interim President Matthew J. Wilson as well as business partners and a number of representatives from northeast Ohio colleges and universities that are part of a Regionally Aligned Priorities in Delivering Skills grant process.

Mr. Carey is expected to explain the funding that will be provided to the region as part of a RAPIDS grant and how that money can be used to benefit businesses and higher education.

**Campus Police:** Ohio State University's Police Division has received its first reaccreditation from the Commission on Accreditation for Law Enforcement Agencies, the institution announced.

The campus police department is one of about 70 universities agencies that meet the commission's 188 standards, according to an OSU release. It was first accredited by CALEA in 2013.

"The Ohio State University Police Division has a uniquely tailored approach focusing on both safety and education," OSUPD Chief Craig Stone said in a statement. "CALEA accreditation exemplifies our commitment to the safety of our campus community and shows we hold our officers to the highest standards in law enforcement."

### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Supplemental Agency Calendar**

**Wednesday, August 3**

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**Ohio Collaborative Community-Police Advisory Board, Ohio Department of Public Safety**  
Atrium, 1970 W. Broad St., 1st floor, Columbus, 10 a.m.

### **Supplemental Event Planner**

**Sunday, August 7**

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**Lisa Schacht (R-Candidate 20th House District) fundraiser, Schacht Family Farm, 5950 Shannon Road, Canal Winchester, 6 p.m., (Special Guests Secretary of State Jon Husted and Ohio Senator Kevin Bacon. Host: \$300; Host Committee: \$200; Supporter: \$100; Attendee: \$25/person to Citizens for Lisa Schacht)**

## **Thursday, August 11**

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**Ohio Charter School Summit, Hyatt Regency Columbus, 350 North High Street, Columbus, 9 a.m.**

## **Friday, August 12**

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**Ohio Charter School Summit, Hyatt Regency Columbus, 350 North High Street, Columbus, 8:30 a.m.**

**Rep. Dorothy Pelanda (R-Marysville) Golf Outing fundraiser, Darby Creek Golf Course, 19300 Orchard Road, Marysville, 11:30 a.m., (11:30am Registration and Lunch; 12:30pm Shotgun Start; 5:00pm Reception with Special Guest Attorney General Mike DeWine. Lunch/Golf/Reception: \$80/person; Reception Only: \$40/person; Hole Sponsor: \$100 to Pelanda for State Representative)**

## **Tuesday, August 16**

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**Wes Goodman (R-Candidate 87th House District) fundraiser, Cedar Creek Barn, 7723 State Route 42, Mansfield, 5:30 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$200; Couple: \$50; Individual: \$25 to Friends of Wes Goodman)**

## **Tuesday, August 23**

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**Canceled: Rep. Terry Johnson (R-McDermott) fundraiser, Athletic Club of Columbus, 136 E. Broad Street, Columbus, 11:30 a.m., (Chair: \$2,500; Sponsor: \$1,000; Patron: \$500; Guest: \$350 to Terry Johnson for State Rep)**

## **Wednesday, August 24**

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**Sen. Troy Balderson (R-Zanesville) & Rep. Stephanie Kunze (R-Candidate 16th Senate District) golf outing fundraiser, Country Club at Muirfield Village, 8715 Muirfield Drive, Dublin, 8:30 a.m., (\$1,000 Total Contribution. Golfers pay for their own golf. Please make separate checks for \$500 each payable to Troy Balderson for State Senator & Citizens for Stephanie Kunze)**

## **Tuesday, September 6**

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**Matt Huffman (R-Candidate 12th Senate District) golf outing fundraiser, Hidden Creek Golf Club, 6245 Sugar Creek Rd., Lima, 9 a.m., (Registration 9:00-10:00am, Shotgun Start 10:00am \$1,000 Event Sponsor | \$200 Tee Sponsor | \$100 per Golfer to Matt Huffman for Ohio)**

**Rep. Gary Scherer (R-Circleville) golf outing fundraiser, Pinnacle Golf Club, 1500 Pinnacle Club Drive, Grove City, 11 a.m., (11:00am Shotgun and Lunch; 12:00pm Shotgun Start. Event Sponsor: \$1,500; Food/Beverage Sponsor: \$750; Foursome: \$400; Hole Sponsor: \$200; Individual Golfer: \$125 to Friends of Gary Scherer)**

**Rep. Ron Young (R-Leroy Township) Winery Reception fundraiser, Debonne Vineyards, 7840 Doty Road, Madison, 5:30 p.m., (with Special Guest Lieutenant Governor Mary Taylor. Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to Friends of Ron Young)**

## **Wednesday, September 7**

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**Sen. Bill Beagle (R-Tipp City) & Sen. Bob Peterson (R-Sabina) golf outing fundraiser, County Club at Muirfield Village, 8715 Muirfield Drive, Dublin, 8:30 a.m., (\$1,000 Total Contribution. Golfers**

pay for their own golf. Please make separate checks for \$500 each payable to Citizens for Bill Beagle & Peterson for Good Government)

**Tuesday, September 13**

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Rep. Steve Hambley (R-Brunswick) and Rep. Doug Green (R-Mt. Orab) fundraiser, Ringside, 19 N. Pearl Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Hambley for House Committee and/or Committee to Elect Doug Green)

**Wednesday, September 14**

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Rep. Jim Butler (R-Oakwood) and Rep. Margy Conditt (R-Liberty Township) fundraiser, Oliver's, 26 N. High Street, Columbus, 12 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Butler for Ohio and/or Friends of Margy Conditt)

**Monday, September 19**

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Rep. Steve Huffman (R-Tipp City) golf outing fundraiser, Homestead Golf Course, 5327 Worley Road, Tipp City, 8:30 a.m., (8:30am Registration and Light Breakfast; 9:30am Remarks from Congressman Warren Davidson; 10:00am Shotgun Start. Event Sponsor: \$2,000; Food and Beverage Sponsor: \$1,000; Tee Sponsor: \$500; Individual Golfer: \$250 PAC/\$150 Individual to Steve Huffman for State Rep)

**Tuesday, September 20**

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Rep. Derek Merrin (R-Waterville) fundraiser, OHROC Offices, 21 W. Broad Street, Floor 7, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Derek Merrin)

**Wednesday, September 21**

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Craig Riedel (R-Candidate 82nd House District) fundraiser, Oliver's, 26 N. High Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$200 to Citizens to Elect Craig Riedel)

**Friday, September 30**

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Sen. Bill Beagle (R-Tipp City) fly fishing fundraiser, Spring Run Farms, 9206 Haddix Road, Fairborn, 11 a.m., (11:00am-4:00pm Fishing, 4:00-6:00pm Reception; \$1,000 Pike Sponsor | \$500 Salmon Sponsor | \$350 Trout Sponsor | \$175 Bluegill Sponsor | \$100 per couple/family | \$75 per Individual to Citizens for Bill Beagle)

**Tuesday, October 18**

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OHROC Fundraising Reception, Athletic Club of Columbus, 136 E. Broad Street, Gold Room, Columbus, 5 p.m., (Chair: \$5,000; Sponsor: \$2,500; Host: \$1,000; Guest: \$500 OHROC)

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## House Activity for Monday, August 1, 2016

### INTRODUCED

**HB 587**

**DASHBOARD CAMERAS (Boyce, K.)** To require law enforcement officers to use dashboard cameras and body cameras during any time that they are interacting with any member of the public while in the performance of their duties, to provide for state financial assistance to local law enforcement agencies for the purchase of such cameras and related equipment, and to make an appropriation. Am. 109.73, 109.742, 109.77, 109.79, and 109.80 and to enact sections 2901.51 and 2901.52

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## Senate Activity for Monday, August 1, 2016

### INTRODUCED

**SB 342**

**WEAPON POSSESSION (Thomas, C.)** To grant municipal corporations the authority to impose a ban or restriction on the open carry or concealed carry of any firearm in a publicly secured area established by the municipal corporation during an event of regional or national significance being held in the municipal corporation. Am. 9.68, 2923.122, and 2923.126 of the Revised Code and to amend Section 9 of Am. Sub. H.B. 12 of the 125th General Assembly

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## Daily Activity Planner for Tuesday, August 2

### Legislative Committees

Senate Agriculture (Committee Record), House Agriculture & Rural Development (Committee Record) (Chr. Hite, C., 466-8150, Chr. Hill, B., 644-6014), Donahey Nationwide Ag./Hort. Building, Ohio State Fairgrounds, 10 a.m.

- Testimony from Virgil Strickler, General Manager of the Ohio State Fair; Jack Fisher, Executive Vice President of the Ohio Farm Bureau Federation; Dave Daniels, Director of the Ohio Department of Agriculture; Jim Zehringer, Director of the Ohio Department of Natural Resources; Craig Butler, Director of the Ohio Environmental Protection Agency; Dean Rustin Moore, DVM, PhD, The Ohio State University College of Veterinary Medicine and Mary Buehler, Ohio Fair's Queen/FFA State President
- House Rules & Reference (Committee Record) (Chr. Amstutz, R., 466-1474), Rm. 119, 1:30 p.m.
- House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 2:30 p.m.
- Session to fill vacancies in the 3rd and 47th House Districts

### Agency Calendar

Construction Industry Licensing Board, OCILB Conf. Rm., 6606 Tussing Rd., Reynoldsburg, 10 a.m. (Electrical Section)  
Board of Building Appeals, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 12:30 p.m.

### Event Planner

Rep. Rick Perales (R-Beavercreek) fundraiser, 21 W. Broad Street, 7th Floor, Columbus, 12 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Citizens for Perales)

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**From:** Kristin Strobel  
**Sent:** Friday, September 9, 2016 1:12 PM  
**CC:** 'Greg Bennett'  
**Subject:** Your Invitation: 32nd Annual Leaders' Policy Conference (LPC)  
**Attachments:** LPC 2016 STD Postcard\_final.pdf; LPC LegPromo\_final.pdf

**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Greetings,

I am writing to personally invite you to attend the **State Government Affairs Council (SGAC) Foundation's 32<sup>nd</sup> Annual Leaders' Policy Conference (LPC)** being held at the **Ritz-Carlton Laguna Niguel in Dana Point, California, November 19-22, 2016**. This outstanding conference is presented by the SGAC Foundation, in cooperation with the National Conference of State Legislatures (NCSL) and The Council of State Governments (CSG).

You are one of a select group of legislative leaders invited to attend this premier program. This conference provides a unique opportunity to build relationships with other legislative leaders, emerging leaders and the private sector representatives attending.

Last year's conference was attended by 77 Legislative Leaders representing 33 states, Puerto Rico, and the Virgin Islands and included 5 Speakers, 2 Speakers Pro Tempore, 4 Senate Presidents, 6 Senate Presidents Pro Tempore, 22 Majority Leaders, and 12 Minority Leaders. Additionally, staff representatives from NCSL, CSG, WIG, ALEC, DLCC, & GOPAC were in attendance.

Each year attendance at LPC has grown because of participation from legislative leaders like you and I hope we can count you as one of our attendees this year.

**There is no registration fee for you and a guest to attend.** Further, as a legislative leader, the cost of hotel accommodations for 3 nights during the conference dates and up to \$500 in travel expenses for air and ground transportation will be covered by a legislative leader scholarship provided by the SGAC Foundation. Please note that this legislative leader scholarship is non-transferable. I would be happy to

connect you to the appropriate person so that you can take advantage of your scholarship. Please let me know any questions you might have.

Thank you for considering this opportunity. I look forward to talking with you soon.

Kristin

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\*\*Please note ESA will move on September 30. Our new address is 601 Massachusetts Avenue, NW, Suite 300, Washington, DC 20001. Our phone number is unchanged.\*\*